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Merchants on the Margins:

Fifteenth-Century Bruges and the Informal Market¹

‘For Flaundres is staple, as men tell me, to alle nacyons of Crystiante’

In 1436-37, one of the most evocative of Middle English political poems, the *Libelle of Englyshe Polycye*, was written. Convinced that the command of the sea was the key to his country's pre-eminence, the anonymous author expounded an almost mercantilist policy aimed at ensuring England's economic supremacy. In his opinion, the most important threat to English commercial interests was to be found in Flanders, on the other side of the Channel. This was not because Flanders was blessed with fertile soil or thriving industries: on the contrary. Writing from a jingoistic perspective at a time when Anglo-Flemish tensions ran high, he conveniently ignored the exceptional diversity of luxury and refining industries that did not serve his propagandist purposes and pontificated that the county itself had little to offer apart from ‘a lytell madere and Flemmyshe cloothe’. The secret of Flanders' success, however, was the role of Bruges, one of its main cities, as a staple market for other regions. This staple function induced merchants from all parts of Europe to bring their goods to the county, giving it the economic edge that England lacked.²

More comprehensive than staple provisions in force in most other hubs of international trade in Western Europe,³ Bruges' regulations stipulated that most merchandise entering Flanders

¹ Abbreviations used: ADN for ‘Lille, Archives Départementales du Nord’ and SAB for ‘Bruges, Stadsarchief Brugge’.

² *The Libelle of Englyshe Polycye: a poem on the use of sea-power, 1436*, ed. G.F. Warner (Oxford, 1926). On the *Libelle*'s historical context, see G.A. Holmes, ‘The “Libel” of English Policy’, *The English Historical Review*, 76 (1961), 193-216. On political tract writing in late medieval England, see J.P. Genet, *Four English political tracts of the later middle ages* (London, 1977), ix-xix. C. Taylor, ‘War, Propaganda and Diplomacy in Fifteenth-Century France and England’, in: *War, Government and Power in Late Medieval France*, ed. C. Allmand (Liverpool, 2000), 70-91. For other English political poems written at the time of the *Libelle*'s creation, see *Historical Poems of the XIVth and XVth Centuries*, ed. R.H. Robbins (New York, 1959), 78-89.

³ The towns established as domestic staple ports by the Statute of the Staple in England in 1353 and the continental staple set up in Calais in 1363 only acted as depots for wool, wool-fells, leather and lead. T.H. Lloyd, *The English Wool Trade in the Middle Ages* (Cambridge, 1977), 207-224. W.M. Ormrod, *The Reign of Edward III* (Charleston, 2000), 176-179. The Dordrecht staple restrictions covered all merchandise transported on the rivers Waal, Lower Rhine/Lek and Meuse but in essence applied to Rhenish wine, grain, wood and salt. J.

on the Zwin, its waterway giving access to the sea, had to be transported to and sold in the city. At the end of the thirteenth century Bruges was already acting as a compulsory depot, due to the privileges granted by the counts of Flanders to foreign merchants and several toll rights enjoyed by Bruges' citizens. Only in 1323, after various attempts by the counts of Flanders to curtail the city's staple rights, a more far-reaching privilege was granted, making the staple obligatory and exclusive. Exceptions were made for herring, leather, ash, butter, horses, cattle and all commodities packed in barrels, particularly wine, which could be unloaded in the outport of Damme. In Hoeke and Monnikerede, merchants were allowed to sell corn, dried fish, skins and everything needed for rigging boats.⁴

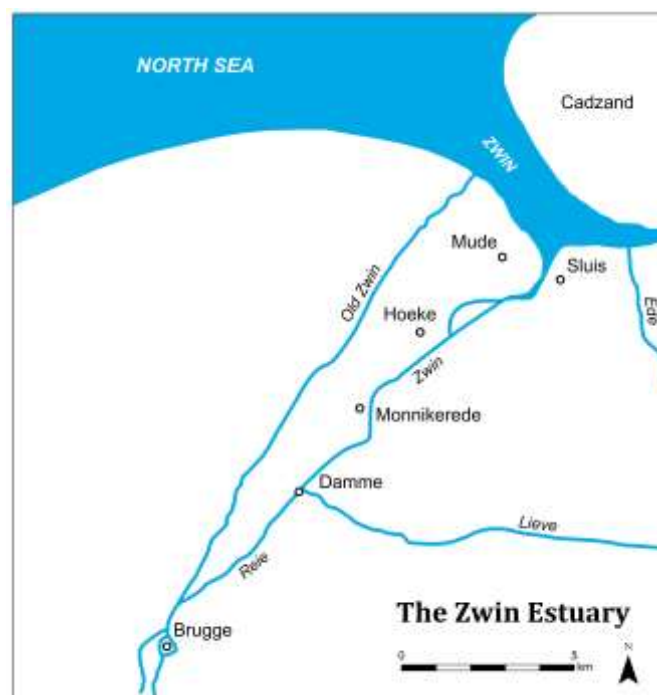


Illustration 1: Bruges and the Zwin Estuary in the late medieval period

Most Zwin ports owed their development to their status as Bruges' satellite towns⁵ and wisely accepted their subordination into the staple network.⁶ More resistance was met in Sluis, held

Dijkman, *Shaping Medieval Markets. The Organisation of Commodity Markets in Holland, c. 1200-1450* (Leyden, 2011), 159-198. Further upstream, all goods passing down the Lower Rhine, most notably wine, had to be unloaded in Cologne. O. Gönnerwein, *Stapel- und Niederlagsrecht* (Weimar, 1939), 97 ff. B. Kuske, 'Der Kölner Stapel und seine Zusammenhänge als wirtschaftspolitisches Beispiel', *Jahrbücher des Kölnischen Geschichtsvereins*, 21 (1939), 1-46.

⁴ For the details of the staple system and its changes throughout the late medieval period, see D. Nicholas, *Town and Countryside: social, economic and political tensions in fourteenth-century Flanders* (Bruges, 1971), 118-120. J.A. Van Houtte, *De geschiedenis van Brugge* (Tielt, 1982), 195-196.

⁵ Even though Damme was originally founded and developed by the Flemish counts. A. De Smet, 'L'origine des ports du Zwin. Damme, Mude, Monnikerede, Hoeke et Sluis', in: *Études d'Histoire Dédiées à la Mémoire de Henri Pirenne par ses Anciens Élèves* (Brussels, 1937), 125-141. W. Leloup and B. Vannieuwenhuyze, 'Damme

in fief by the obstinate member of the comital family John of Namur and Bruges' most important seaport after Damme had become inaccessible to high tonnage ships. A two-day sack was necessary in 1323 to make the town abide by the Bruges privileges granted earlier that year, which, apart from subjecting it to the staple obligations, denied its citizens the right to produce cloth, to engage in money changing and to use a large weight. Sluys was forbidden to erect fortifications and guildsmen were expected to follow the statutes of the Bruges guilds.⁷ These constraints did not prevent the outport from challenging Bruges' commercial primacy. In 1358 Count Louis of Male had to reconfirm the staple privilege and order his officers to respect it.⁸ In 1367 he reprimanded the *Sluyzenaars* for conducting brokerage illegally but allowed them to buy wood for personal use.⁹ Some thirty years and numerous quarrels later Sluys obtained the right to store wood, pitch and tar in order to repair the ships in its harbour. Its promise not to resell these commodities was never kept.¹⁰

In the fifteenth century Sluys was often supported in its claims by Ghent, Ypres and the Liberty of Bruges, the rural district surrounding the city, whom, together with Bruges, made up the representative institution of the Four Members of Flanders.¹¹ Keen on reducing their counterpart's economic power, they were able to convince Duke Philip the Good to withdraw the staple restrictions on a wide range of goods in 1419. Only after Bruges had taken the matter to the Parliament of Paris was the exemption limited to merchandise produced in Flanders, except cloth, and the condition was added that nothing could be sold to foreigners.¹² In 1436, discontent about the *Sluyzenaars'* persistent violations of the staple privileges,

en Sluis : de oorsprong en vroege stadsontwikkeling van twee Middeleeuwse Zwinstadjes', *Handelingen van het Genootschap voor Geschiedenis*, 150 (2013), 13-56. M. Ryckaert, 'Brügge und die flandrischen Häfen vom 12. Bis 18. Jahrhundert', in: *See – und Flußhäfen vom Hochmittelalter bis zur Industrialisierung*, ed. H. Stooß (Köln, 1986), 129-139. M. Ryckaert, 'La gestion des ports flamands au Moyen Age', in: *I porti come impresa economica*, ed. S. Cavaciocchi (Firenze, 1988), 355-356, 358. A. Verhulst, 'Initiative comtale et développement économique en Flandre au XIIe siècle : le rôle de Thierry et de Philippe d'Alsace (1128-1191)', in: *Miscellanea Mediaevalia in Memoriam Jan Frederik Niermeyer* (Groningen, 1967), 232, 237.

⁶ For the impact of the staple on their economies, see J.P. Sosson, 'Les petites villes du Zwin (XIVe-XVIe siècles): des espaces urbaines "inviabiles"' in: *Commerce, finances et société (XIe-XVIe siècles). Recueil de travaux d'histoire médiévale offert à M. le professeur Henri Dubois*, ed. P. Contamine (Paris, 1993), 171-184. For Monnikerede in particular, B. Fossion, 'Un exemple de décadence urbaine : la petite ville de Monnikerede (1393-1482)', *Bulletin trimestriel du Crédit communal de Belgique*, 171 (1990), 43-49.

⁷ *Inventaire des archives de la ville de Bruges. Section 1: treizième au seizième siècle. Inventaire des chartes*, ed. L. Gilliodts-Van Severen (Bruges, 1871-1885), VI, 531-532.

⁸ *Cartulaire de Louis de Male, Comte de Flandre*, ed. T. de Limburg-Stirum (Bruges, 1901), II, 156-158.

⁹ *Coutumes des pays et comté de Flandre. Quartier de Bruges. Coutumes des petites villes et seigneuries enclavées. IV: Ostende, Oudenbourg, Sluis*, ed. L. Gilliodts-Van Severen (Brussels, 1892), 460-462.

¹⁰ *Inventaire*, ed. Gilliodts-Van Severen, V, 234-236.

¹¹ W.P. Blockmans, 'A typology of representative institutions in late medieval Europe', *Journal of Medieval History*, 4 (1978), 198-199.

¹² *Inventaire*, ed. Gilliodts-Van Severen, IV, 357-362.

together with the ducal reluctance to stop them, served as the main *casus belli* touching off the Bruges Revolt against Philip the Good.¹³ After he had crushed the uprising in 1438 and had punished the rebellious *Brugeois* by, among other measures, temporarily transferring the staple to Sluys, the Duke aimed to settle the matter with a final judgment in Hesdin in 1441. He considerably extended the range of commodities that could be unloaded at the Zwin mouth, now including exotic fruits and animals and fresh fish. Bruges, on the other hand, was to install two officers in its outport to watch over the observance of its staple privileges. A permanent commission was established to settle conflicts concerning the staple.¹⁴

In spite of these settlements, disputes continued. In 1477, Bruges and the other major Flemish cities took advantage of Mary of Burgundy's precarious position during the troublesome succession of Charles the Bold by obtaining far-reaching concessions, including a confirmation of the staple privilege and the submission of the Zwin towns.¹⁵ In 1487, the city again requested and was granted the preservation of their staple rights by Archduke Maximilian of Austria and his son Philip the Fair.¹⁶ Constitutional fiction had been overtaken by economic reality though. The Flemish Revolt, which had ravaged the county between 1477 and 1492 and which had also seriously damaged Sluys, struck the fatal blow upon Bruges' position as a hub for international trade, already on the wane for decades. In 1488, the Bruges staple officer could only watch the merchant fleets sailing by the Zwin.¹⁷ During the 1490s, the foreign merchant communities which, for 200 years, had been the alpha and omega of the city's commercial fortune, left for Antwerp, never to return.¹⁸

That the extent of market rights in Bruges' immediate hinterland gave rise to such heated debates throughout the fourteenth and fifteenth centuries should hardly surprise. The organisation of commercial markets did far more than simply bringing buyers and sellers together, certainly if market rights were supported by staple regulations. It facilitated princely rulers, urban authorities and private individuals to impose taxes and tolls on the trade flows

¹³ J. Dumolyn, *De Brugse Opstand van 1436-1438* (Heule, 1997), 89-98.

¹⁴ *Inventaire*, ed. Gilliodts-Van Severen, V, 231-251.

¹⁵ W.P. Blockmans, 'Breuk of continuïteit? De Vlaamse Privilegiën van 1477 in het licht van het staatsvormingsproces', in: *Le Privilège général et les privilèges régionaux de Marie de Bourgogne pour les Pays-Bas*, ed. W.P. Blockmans (Kortrijk, 1985), 495-516.

¹⁶ *Inventaire*, ed. Gilliodts-Van Severen, VI, 273.

¹⁷ R. Degryse, 'Brugge en de organisatie van het loodswezen van het Zwin op het einde van de XVe eeuw'. *Handelingen van het Genootschap voor Geschiedenis*, 112 (1975), 88-89.

¹⁸ J. Maréchal, 'Le depart de Bruges des marchands étrangers (XVe-XVIe siècle)', *Handelingen van het Genootschap voor Geschiedenis*, 88 (1951), 26-74.

they generated and, in some cases, collect considerable revenue.¹⁹ When accessing the Zwin estuary, merchants were charged a *droit de congé* or *oorlof*, followed by the *passaigegeld*, *spellegeld*, *wazegeld*, *leenknechtgeld*, *zettegeld* and a tax on the loading of ballast, as well as the toll in the port of Damme. The revenues from these impositions disappeared into the coffers of the Dukes of Burgundy. Upon arrival traders were expected to pay the Bruges Toll, originally a princely contribution which had been alienated to and was collected by the noble Van Luxemburg family.²⁰

The concentration of trade in one and the same place also served the interests of those who made their living by providing commercial services. In Bruges, foreign merchants were expected to hire native brokers whenever they wanted to trade with non-locals and had to pay brokerage fees for the work they provided. The brokers worked closely together with the hostellers, who, as the owners of the taverns and inns where most temporary visitors gathered to stay, gain information and strike business deals, controlled the space where a great deal of Bruges' international trade ignited.²¹ For both groups, who at the time of Bruges' emergence as a world market at the end of the thirteenth century had left active trade abroad behind themselves, the staple system constituted their life insurance. Finally, only allowing commercial exchange to take place within the city made it easier for both urban authorities and corporate bodies to regulate it. In Bruges, most retail trade was restricted to the members of the craft guilds, who closely looked after their privileges.²² The commercial and financial elites of brokers and hostellers, together with the representatives of specific craft guilds, were the ones who, for most of the late medieval period, manned the aldermen's benches in the Bruges city hall,²³ and defined the city's policy with regard to the staple privileges.²⁴

¹⁹ For the importance of toll revenues for urban finances in medieval England, see J. Masschaele, 'Toll and trade in medieval England', in: *Money, Markets and Trade in Late Medieval Europe: Essays in Honour of John H.A. Munro*, ed. L. Armstrong, I. Elbl and M.M. Elbl (Leyden, 2007), 341-354.

²⁰ A. VAN NIEUWENHUYSEN, *Les Finances du Duc de Bourgogne Philippe le Hardi (1384-1404). Economie et Politique*, Brussels 1984, pp. 168-177, 182-3.

²¹ A. Greve, *Hansische Kaufleute, Hosteliers und Herbergen im Brügge des 14. und 15. Jahrhunderts* (Frankfurt am Main, 2012).

²² P. Stabel, 'Guilds in late medieval Flanders: myths and realities of guild life in an export-oriented environment', *Journal of Medieval History*, 30 (2004), 195.

²³ For the period until 1384, see D. Van den Auweele, *Schepenbank en schepenen in Brugge (1127-1384). Bijdrage tot de studie van een gewone stedelijke rechts- en bestuursinstelling* (Leuven, 1977), 409. For the period between 1375 and 1407, see K. Vanhaverbeke, 'De reële machtsstructuren binnen het stadsbestuur van Brugge in de periode 1375-1407. Verslag van een prosopografische studie', *Handelingen van het Genootschap voor Geschiedenis te Brugge*, 135 (1998), 24. For the period between 1406 and 1436, see Dumolyn, *De Brugse Opstand*, 112.

²⁴ Violation of the staple privileges triggered the Bruges Revolt in 1436, which had the craft guilds at the forefront of political action, and continued to figure among the main complaints throughout the whole period of rebellion. J. Dumolyn, "'Rebelheden ende vergaderinghen". Twee Brugse documenten uit de grote opstand van

It has often been argued that for the many foreign visitors flocking to Bruges, the additional costs created by the taxation and regulation of trade were remarkably low in comparison to other commercial centres. The little evidence relating to transaction costs in Bruges that has been preserved confirms these assumptions: transaction costs were only of marginal importance for the representatives of the Florentine Medici firm,²⁵ the commission agents trading for the Pratese Datini company,²⁶ the clients banking with the Milanese Borromei²⁷ or the textile merchants calling on the services of broker Wouter Ameyde.²⁸ For most of these traders, the costs also constituted an investment that paid dividends. At the Bruges market, merchants were given access to a concentration of commercial institutions that went unrivalled in Western Europe and could greatly reduce the overall costs of their business. Search and information costs could be kept low by frequenting the hostels that served as meeting points for everyone trading in the city.²⁹ Italian banks and local money changers allowed traders to transfer money to anyone in Europe cheaply and safely.³⁰ The foreign merchant guilds, the urban authorities and the central institutions organized a court system that enabled them to settle disputes efficiently against limited enforcement costs.³¹ There are

1436-1438', *Handelingen van de Koninklijke Commissie voor Geschiedenis*, 162 (1996), 301-302. Requests were made against the Great and the Flemish Privilege, which had been brokered by the city's commercial elites, in 1477 but the confirmation of the staple was no issue. On the contrary: amendments were made to the Privilege under pressure of the Nine Members, comprising the deans of the craft guilds, and repeated the observance of the staple restrictions. J. Haemers, *For the Common Good. State Power and Urban Revolts in the Reign of Mary of Burgundy (1477-1482)* (Turnhout, 2009), 156-164. In 1488, the Great Council, a coalition of the commercial elites and the craft guilds, explicitly demanded the protection of the city's staple rights. J. Dumolyn, 'Our land is only founded on trade and industry.' Economic discourses in fifteenth-century Bruges', *Journal of Medieval History*, 36 (2010), 377.

²⁵ The Medici paid between 2 and 6 percent transaction costs on the sale of almonds and cardamom in Bruges in 1441. R. De Roover, *The Rise and Decline of the Medici Bank, 1397-1494* (Washington, 1999), 145-147.

²⁶ F. Melis, *Documenti per la Storia Economica dei Secoli XIII-XVI* (Firenze, 1972), 242-244. Transport, transaction and taxation accounted for about 15 percent of the total costs of a shipment of almonds in 1396.

²⁷ The ledgers of the Milanese Borromei Bank, active in Bruges and London between 1436 and 1438 are accessible online: <http://www.queenmaryhistoricalresearch.org/roundhouse/default.aspx>. Search strings 'expenses', 'charges', 'transport', 'toll', 'packaging', 'brokerage', 'commission' and, most revealingly, 'drinks'. In December 1438, for example, 4s. 8d. Flemish brokerage fees were charged on the sale of seven casks of sugar belonging to Piero Gaetani of Palermo in Bruges.

²⁸ P. Stabel, 'Marketing cloth: manufacturers, brokers and merchants (14th-16th centuries)', in: *International trade in the Low Countries (14th-16th centuries). Merchants, organisation, infrastructure*, ed. P. Stabel, B. Blondé and A. Greve (Louvain-Apeldoorn, 2000), 32-35. Transaction costs on a relatively cheap say amounted to 4.4 percent of the value paid to the draper. More on the impact of transaction costs on prices in the Flemish textile industries in J.H. Munro, 'The origins of the English 'New Draperies': the Resurrection of an Old Flemish Industry, 1270-1570', in: *The New Draperies in the Low Countries and England, 1300-1800*, ed. N.B. Harte (Oxford 1997), 74-83.

²⁹ J.M. Murray, 'Of nodes and networks: Bruges and the infrastructure of trade in fourteenth-century Europe' in: *International trade in the Low Countries (14th-16th centuries). Merchants, organisation, infrastructure*, ed. P. Stabel, B. Blondé and A. Greve (Louvain-Apeldoorn, 2000), 1-14.

³⁰ J.M. Murray, *Bruges, Cradle of Capitalism, 1280-1390* (Cambridge, 2005), .

³¹ J. Dumolyn and B. Lambert, 'Cities of commerce, cities of constraints: International trade, government institutions and the law of commerce in later medieval Bruges and the Burgundian state', *Low Countries Journal of Social and Economic History*, 11 (2014), 90-95.

also indications, however, that, at times, merchants considered this return no longer sufficient for the transaction costs they were paying. The Florentine Alberti company avoided the Bruges market by purchasing cloth straight from the producers in the Lys town of Wervik, while the Hanseatic League did likewise in Poperinge.³² In the 1470s, the urban authorities themselves found it necessary to lower transaction costs by buying off all princely tolls on the Zwin, first, in 1470, for the Scots, then, in 1479, for all foreign visitors.³³

If transaction costs in Bruges could be too high for the cream of high trade and finance, such as the Alberti, they certainly could be for those less privileged. Apart from Italian merchant-bankers and Hanseatic wholesalers, the Flemish shores were also frequented by one-off visitors, small scale producers and international shipping crews with an interest in trade. They did not stay in the city's hostels, did not open accounts with its banks and hardly ever sued in its courts, but they were expected to travel to Bruges, to pay tolls and conform to costly regulations in the same way as others were. For most of them, Bruges' transaction costs were no high-yield investment but an immediate write-off, that could make the difference between loss and break-even. James Masschaele has demonstrated how, in medieval England, agricultural producers were integrated into market exchange by allowing them to trade against low transaction costs at nearby intermediate markets.³⁴ The Bruges staple system did exactly the opposite: it made it compulsory for small scale traders to participate in the most highly institutionalized market of Western Europe and to bear all of its costs.

Formal markets, licensed and overseen by public authorities, were not the only commercial outlets, however. Throughout the whole medieval period, informal circuits, where trade was conducted without official authorisation, regulation and taxation, have proliferated across Europe.³⁵ This article will investigate whether such an informal market existed in fifteenth-

³² F. Melis, 'La diffusione nel Mediterraneo occidentale dei panni di Wervicq e delle altre Città della Lys attorno al 1400', in: *Studi in Onore di Amintore Fanfani. III Medioevo* (Milan, 1962), 217-243. S. Abraham-Thisse, 'Le commerce des draps de Flandre en Europe du Nord: Faut-il encore parler du déclin de la draperie flamande au bas moyen âge?', in: *La draperie ancienne des Pays-Bas : débouchés et stratégies de survie (14^e-16^e siècles)*, ed. M. Boone and W. Prevenier (Leuven, 1993), 198-199.

³³ SAB, Cartulary Groenenboek Ongecotteerd, f. 271. SAB, Political Charters, 1st Series, 1165. For the annual payments to the duke, see SAB, City Accounts, 1491-1492, f. 155 r.

³⁴ J. Masschaele, *Peasants, Merchants, and Markets: Inland Trade in Medieval England, c. 1150-c. 1350* (New York, 1997), 53-54.

³⁵ R.H. Britnell, *The Commercialisation of English Society 1000-1500* (Cambridge, 1993), 9-10, 97-101, 161-164. R. Britnell, 'Markets, shops, inns and private houses in medieval English trade', in: *Buyers and Sellers. Retail circuits and practices in medieval and early modern Europe*, ed. B. Blondé, P. Stabel, J. Stobart and I. Van Damme (Turnhout, 2006), 112-114. C. Dyer, 'The Consumer and the Market in the Later Middle Ages', *Economic History Review*, 42, 3 (1989), 323-324. E.T. Jones, *Inside the Illicit Economy. Reconstructing the*

century Sluys and what its relationship was with the formal kind of commercial exchange in Bruges, channelled through the staple and taxed along the way. Over the past five decades, several schools of thought have considered this link between both forms of economic activities.³⁶ The so-called Dualists believe that the informal sector is the less advantaged part of an economy which cannot create sufficient regulated opportunities for the entire population. Its existence is, thus, unrelated to the way in which the formal sector is organized.³⁷ The Structuralist School sees people involved in informal circuits as subordinated economic units used by capitalist operators to reduce the costs of formal activities.³⁸ Voluntarists claim that those who engage in the informal sector choose to do so, after comparing the costs and benefits of informality relative to formality.³⁹ This article adopts the Legalist point of view, which states that the regulatory environment of the formal economy creates barriers and costs that drive people into informality.⁴⁰ It will argue that, throughout the fifteenth century, an informal market developed in Sluys which was mainly frequented by those people who could not meet the costs created by the formal staple exchange in Bruges and who traded informally out of necessity.

As it was in the interest of actors to keep their unregulated activities hidden and they do not appear in most economic sources, it was necessary to resort to the records of the sanctions for informality in order to do so. The accounts of the water bailiff, the legal officer exercising ducal authority and jurisdiction in the harbour of Sluys, contain the details of numerous people, both buyers and sellers, who evaded the staple rules or the payment of the *congé* or *oorlof* tax. Had they committed only small infringements or could they plead extenuating circumstances, they might have got away with a financial arrangement or ‘composition’.⁴¹ In

Smugglers’ Trade of Sixteenth Century Bristol (Farnham, 2012), 17-36. P. Stabel, ‘From the market to the shop. Retail and urban space in late medieval Bruges’, in: *Buyers and Sellers*, ed. Blondé, Stabel, Stobart and Van Damme, 101-103.

³⁶ For an overview, see M.A. Chen, ‘The informal economy: definitions, theories and policies’, *WIEGO Working Papers*, 1 (2012), 4-6.

³⁷ See, for example, S.V. Sethuraman, ‘The urban informal sector: concept, measurement and policy’, *International Labour Review*, 114, 1 (1976), 69-81. *Beyond Regulation: The Informal Economy in Latin America*, ed. V. Tokman (Boulder (CO), 1972).

³⁸ See, for example, C.N. Moser, ‘Informal sector or petty commodity production: dualism or independence in urban development’, *World Development*, 6 (1978), 1041-1064. *The Informal Economy: Studies in Advanced and Less Advanced Developed Countries*, ed. A. Portes, M. Castells and L.A. Benton (Baltimore (MD), 1989).

³⁹ See, for example, W.F. Maloney, ‘Informality revisited’, *World Development*, 32, 7 (2004), 1159-1178.

⁴⁰ See, for example, H. de Soto, *The Other Path: The Economic Answer to Terrorism* (New York, 1989), H. de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York, 2000).

⁴¹ On these financial arrangements, see G. Dupont, ‘Le temps des compositions. Pratiques judiciaires à Bruges et à Gand du XIV^e au XVI^e siècle (Partie I), in : «Préférer miséricorde à rigueur de justice». *Pratiques de la grâce (XIIIe-XVIIe siècles). Actes de la journée d’études de Louvain-la-Neuve, 15 octobre 2007*, ed. B. Dauven

more serious staple cases, the water bailiff or the Bruges representatives summoned offenders before the Bruges bench of aldermen, whose verdicts were registered in the *Civiele Sententiën*, the registers of civil justice, and the city's cartularies. From 1450 onwards, the fines they imposed, two thirds of which fell to the Duke and one third to the city, have been recorded in the bailiff accounts as well.⁴² Pieced together, these sources have allowed us to reconstruct the commercial circuit in Bruges' surroundings that was not mentioned in the *Libelle of Englyshe Polycye*. The first section of the article will deal with those who frequented this market from within the county of Flanders, as well as their motivations. A second part will consider the informal traders who came from further afield. A final section addresses the strategies used by both groups to avoid formal commercial exchange.

Numbers and backgrounds of the infringers

The accounts of the water bailiff of Sluys have been preserved from 1400 until 1411 and from 1450 until 1479. They contain 245 cases in which people who had acted against the staple regulations or had not paid the *droit de congé* were allowed to make a 'composition'. One hundred and twenty eight of these, or 11.6 per annum, occurred during the first eleven years of the fifteenth century. Bearing in mind that no information is available on the offenders brought before the Bruges aldermen in this period, the total number of infringements must have been significantly higher.

Between 1450 and 1479, another 117 'compositions' were agreed, giving an average of only four a year.⁴³ Although Bruges may have lost some of its commercial allure from the 1460s

and X. Rousseaux (Louvain, 2012), 53-95. G. Dupont, 'Le temps des compositions. Pratiques judiciaires à Bruges et à Gand du XIV^e au XVI^e siècle (Partie II)', in: *Amender, sanctionner et punir. Recherches sur l'histoire de la peine, du Moyen Âge au XX^e siècle. Actes de la journée d'études de Louvain-la-Neuve, 19-20 octobre 2009*, ed. M.A. Bourguignon, B. Dauven and X. Rousseaux (Louvain, 2012), 15-47. J. Van Rompaey, 'Het compositierecht in Vlaanderen van de veertiende tot de achttiende eeuw', *Tijdschrift voor Rechtsgeschiedenis*, 29 (1961), 43-79. M. Boone, 'Want remitteren is princelijck. Vorstelijk genaderecht en sociale realiteiten in de Bourgondische periode', in: *Liber Amicorum Achiel De Vos*, ed. L. Stockman and P. Vandermeersch (Evergem, 1989), 53-59.

⁴² The Bruges magistracy was the only court of first instance entitled to judge infringements against the Bruges staple privileges. In 1446, the duke ordered the central Council of Flanders to refer a staple case involving two Englishmen back to the aldermen. SAB, Cartulary Rodenboek, f. 173 v.-174 r. In 1427, Damme confirmed Bruges' jurisdiction over staple cases in the town. SAB, Political Charters, 1st Series, 968. Apart from some fragments, the *Civiele Sententiën* have been preserved from 1447 to 1453, from 1453 to 1460, from 1465 to 1470 and from 1490 to 1492. The most relevant cartularies with respect to the staple system are the *Groenenboek* (1408-1458) and the *Nieuwe Groenenboek Ongecotteerd* (1447-1533).

⁴³ Contrary to the rise in the number of infringements witnessed by Jan Van Houtte, as a result of a tendency towards free trade among the merchants. Van Houtte, *De geschiedenis van Brugge*, 186.

onwards,⁴⁴ this was not necessarily caused by a decline of economic activity in the Zwin Estuary. When we take into consideration the nature of the facts, the sharp drop in the number of *congé* evasions (from 8.3 to 2.4 a year) may also have been due to the many exemptions which were granted on this tax in the second half of the century,⁴⁵ as well as to a less consistent policy by the ducal officers.⁴⁶ The more gradual decline in the number of staple ‘compositions’ (from 2.8 to 1.7 a year) may imply a smaller number of crimes committed because restrictions were softened following the Hesdin ordinance, or, again, a change in the water bailiff’s behaviour, by arresting fewer malefactors or, on the contrary, referring more of them to the Bruges bench of aldermen. The bailiff accounts, the *Civiele Sententiën* and the city’s cartularies give 53 cases judged by the aldermen between 1450 and 1479, meaning that from the average 3.5 crimes committed against the staple a year, 1.7 were considered serious enough to go to court. This brings the total number of staple and *congé* infringements in this period up to 170.

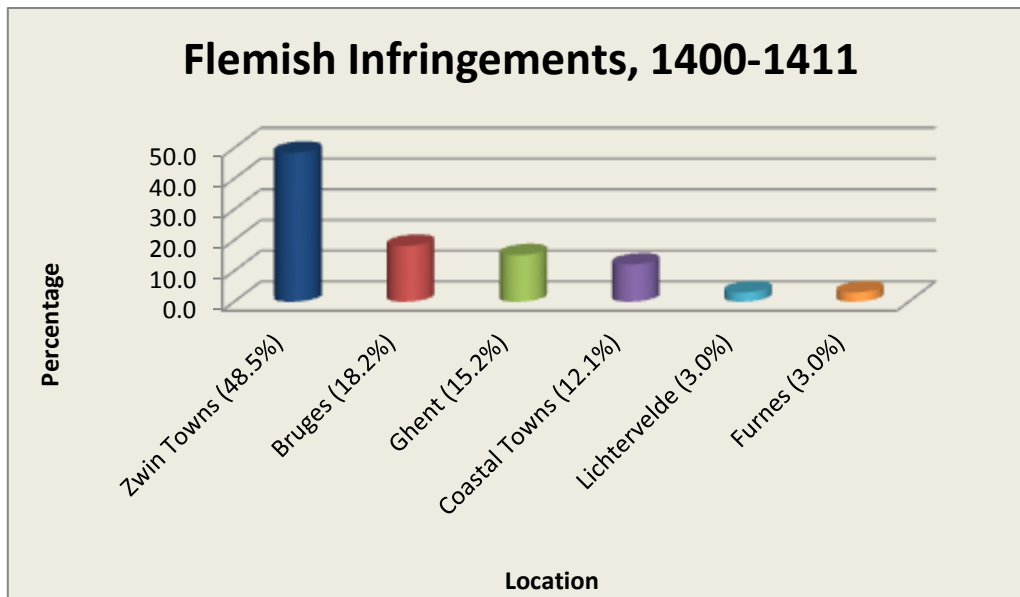
Flemish offenders

From 1400 until 1411, at least 25.9 percent of the infringers came from within the county of Flanders. It is likely this was only a minimum, as the 16.5 percent whose origins remain unknown must have contained an unspecified number of Flemings as well. Between 1450 and 1479 the origins of the smugglers were recorded much less consistently, leading to a dark figure of more than 40 percent. In this respect it seems safe to assume that the true Flemish share during this period must have been considerably higher than the unfortunate 10.5 percent mentioned as Flemings in the accounts.

⁴⁴ 1464 marked the outset of a period of deterioration in the city’s Grand Tonlieu receipts. R. Van Uytven, ‘La Flandre et le Brabant, ‘terres de promission’ sous les ducs de Bourgogne?’ *Revue du Nord*, 43 (1961), 282.

⁴⁵ Van Houtte, *De geschiedenis van Brugge*, 196.

⁴⁶ In 1395, the farmers of the *droit de congé* were complaining that the water bailiff was too harsh, deterring merchants and making their revenues fall. *Ordonnances de Philippe le Hardy, de Marguerite de Male et de Jean Sans Peur 1381-1419. Tome II contenant les Ordonnances de Philippe le Hardy et de Marguerite de Male du 17 janvier 1394 au 25 février 1405*, ed. J. Bartier, P. Bonenfant and A. Van Nieuwenhuysen (Brussels, 1974), 94-98.



At the beginning of the fifteenth century, 48.5 percent of the Flemish offenders lived in Sluys or, occasionally, in another town in the Zwin Estuary. The high number of locals is of little surprise. Although Sluys was better equipped to resist the economic stranglehold imposed by Bruges than the smaller Zwin ports,⁴⁷ the staple arrangements restricted its citizens even in the relief of their most elementary economic needs. Most of the *Sluyzenaars* were caught for buying foodstuffs, such as bacon or fish, or shipping equipment for personal use from foreigners. A minority of the sanctioned, such as Pieter Pijk,⁴⁸ was involved in the international carrying-trade itself and tried to make a profit by illegally selling part of their freight, often wine, in a more organized way. In the period after 1450, the local share of Flemish infringers rises to 55.6 percent. Apparently the Hesdin ordinance had not taken away the need for the Zwin towns' inhabitants to break the staple rules in order to have a normal economic life.

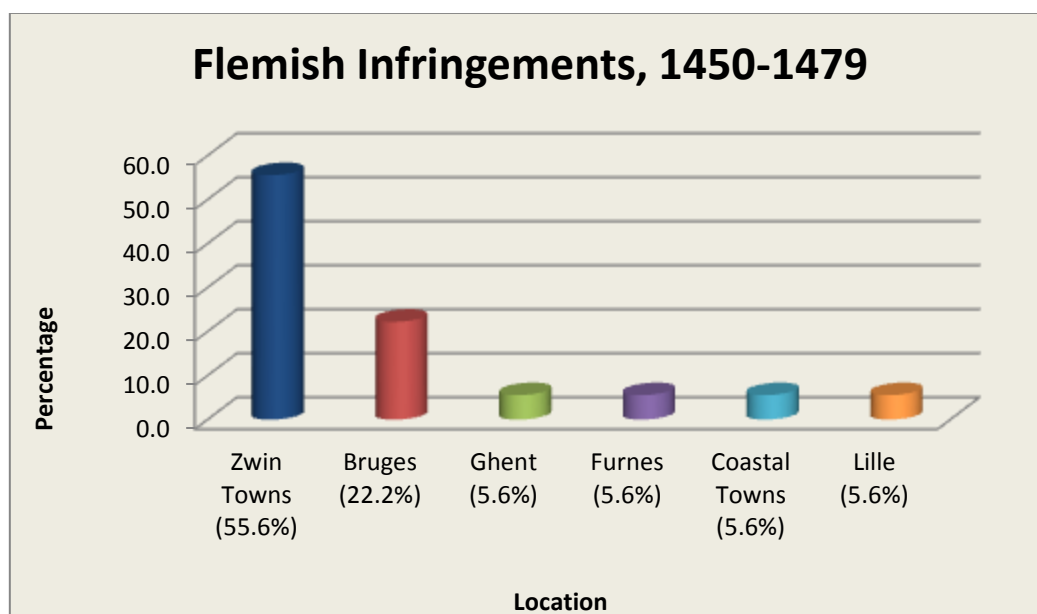
The second largest group of smuggling Flemings were the *Brugeois*. Bruges citizens with business interests in Sluys,⁴⁹ for whom the costs involved in the regular staple trade were an insurmountable obstacle or who had no direct interest in concentrating commercial activities in Bruges in general committed some 20 percent of the Flemish staple offences (18.2 percent

⁴⁷ Sosson, 'Les petites villes du Zwin', 171-184. A. Saunier, 'L'Ecluse. Une autre ville jetée à la mer?', in : *Villes et sociétés urbaines au Moyen Age: Hommage à M. le Professeur Jacques Heers*, ed. G. Jehel (Paris, 1994), 97-103.

⁴⁸ ADN, Série B, 6095, Account Water Bailiff 1403-1404, f. 1 v.

⁴⁹ Freight-carriers as well as fishmongers. Mostly they are referred to as 'Brugeois demourant a Lescluse'. See, for example, ADN, B 6091, Account Water Bailiff 1402-1402, f. 2 r. and ADN, B 6106, Account Water Bailiff 1407-1407, f. 2 r.

in the first period, 22.2 percent in the second). Only one of them, the goldsmith Andries Dankaert, **was** is recorded as being a member of one of the craft guilds.⁵⁰ Once again, the staple system was welcomed by some, but obviously not all groups within the city. Between 1400 and 1411, their number hardly exceeded that of the *Ghentenaars* though, who, in the fifteenth century, used to sail down the Lieve to buy foodstuffs on the staple market in Damme.⁵¹ The bailiff accounts show that some of them, 15.2 percent of the Flemish offenders, tried to buy cured herring or fruit more cheaply in Sluys. This practice became less frequent between 1450 and 1479, with only 5.6 percent of the arrested Flemings coming from Ghent in this period.



Most of the cured herring bought by the *Ghentenaars* and others in Sluys must have been supplied by the small fishing ports of Ostend, Nieuwpoort, Lombardsijde and Heist, who were responsible for the remaining 5 to 12 percent of the Flemish smugglers. Throughout the fourteenth century, this fish had been imported into Flanders from Scania by the Hanseatic merchants. Benefiting from the interruption of the almost industrially organised Hanseatic fishing activities at the beginning of the fifteenth century, Flemish coastal towns had started to cure herring themselves on their ships. This, together with the use of new vessels, had enabled

⁵⁰ ADN, B 6133, Account Water Bailiff 1458-1459, f. 2 v. Dankaert had moved from Lille to Bruges to work as a goldsmith in 1445. *Indices op de Brugsche Poorterboeken. I 1418-1450*, ed. R.A. Parmentier (Bruges, 1938), 288-289.

⁵¹ J. Decavele and R. De Herdt, *Gent op de wateren en naar de zee* (Antwerpen, 1976), 46. M Coornaert, 'De geschiedenis van de Brugse Leie', in: *De Witte Kaproenen. De Gentse Opstand & de Geschiedenis van de Brugse Leie*, ed. M. Vandermaesen, M. Ryckaert and M. Coornaert (Ghent, 1979), 33-55.

them to take over a large part of the domestic market, despite the resistance of urban and princely authorities, who wanted to maintain good relations with the Hanseatic League.⁵²

In theory, cured herring could only be sold in the fishing towns themselves or on the staple market of Damme. In reality, many Flemish fishermen, as well as the Hollanders and the Zeelanders, who had also begun to cure herring at sea, avoided the extra transport costs, the imposition of taxes, the expensive services of brokers and the covetous eyes of civil servants⁵³ by bringing part of their fish to the black market in Sluys, buying highly-finished goods or shipping equipment in exchange. In the course of the fifteenth century, a concentration of fishing activities in the larger centres, such as Nieuwpoort or Ostend, occurred at the expense of the smaller ports.⁵⁴ This might explain why, between 1450 and 1479, only Lombardsijde is still mentioned in the bailiff accounts and the total share of the herring ports in the number of Flemish staple infringements nosedives from 12.1 to 5.6 percent. Nieuwpoort and Ostend completely took over the regular markets, the black market being the only resource left for the small towns that had managed to survive.

While their social position was recorded less consistently in the second period, the offenders were qualified as ‘poor’ in 53.1 percent of the Flemish cases and 68.4 percent of the cases where the origins were unknown during the first period, many of them burdened, so the accounts say, by the costs of supporting a family and heavy rents.⁵⁵ These were the people for whom the additional costs inherent to the staple system were not of marginal importance, as they were for the wealthy merchants and bankers in Bruges, but actually made a difference. Travelling down the Zwin, paying for transport and taxes and complying to all regulatory requirements would have dramatically increased the price of the small amounts of goods they

⁵² R. Degryse, ‘De Vlaamse haringvisserij in de XVe eeuw’, *Handelingen van het Genootschap voor Geschiedenis te Brugge (Emulation)*, 88 (1951), 116-131. C. Jahnke ‘The medieval herring fishery in the Western Baltic’, in: *Beyond the Catch: Fisheries of the North Atlantic, the North Sea and the Baltic, 900-1850*, ed. L. Sicking and D. Abreu-Ferreira (Leyden, 2009), 177-178. See also the attempt by the Burgundian dukes to install a toll on the sale of herring in 1465, which met with fierce resistance from the small Flemish coastal towns. M. Boone, ‘Les ducs, les villes et l’argent des contribuables. Le rêve d’un impôt princier permanent en Flandre à l’époque bourguignonne’, in: *L’impôt au Moyen Âge. L’impôt public et le prélèvement seigneurial fin XIIIe-début XVIe siècle. II. Les espaces fiscaux. Colloque tenu à Bercy les 14, 15 et 16 juin 2000*, ed. P. Contamine, J. Kervervé and A. Rigaudière (Paris, 2002), 333.

⁵³ In 1399 a ducal ordinance was issued to ban the widespread habit among government officers, water bailiffs in particular, of extorting herring from Flemish fishermen. *Ordonnances de Philippe le Hardi. Tome II*, ed. Bartier, 331-333.

⁵⁴ P. Stabel, *Dwarfs among Giants. The Flemish Urban Network in the Late Middle Ages* (Leuven-Apeldoorn, 1997), 49-50.

⁵⁵ In 1401-1402, Pierre de Breda of Ghent was given a ‘composition’, because he was ‘a very poor man burdened with a rent and the care of small children’. AND, B 6089, Account Water Bailiff 1401-1402, f. 3 v.

were interested in buying or selling. For them, trading outside the staple, branded as a crime undermining urban privileges by the authorities defining the range of staple commodities in the Bruges city hall, was a matter of survival.⁵⁶ The prevalence of these people, excluded from formal exchange by the implications of market regulation, among the Flemish offenders strongly supports the Legalist explanation of informal activities in Sluys.

Of course, the question arises as to which extent the qualifications given in the sources were a true reflection of the smugglers' social conditions. First of all, we must bear in mind that the term 'poor' did not necessarily cover the same social and economic categories during the fifteenth century as it does today. An analysis of 'poor' delinquents in the Bruges sheriff accounts between 1385 and 1550 identifies them as low wage workers, often without permanent employment.⁵⁷ Even so, offenders of the staple rules could have claimed a 'povre estat' which they were not entitled to in order to avoid a costly lawsuit or been allowed one by the water bailiff, for whom 'compositions' left more room to make a profit.⁵⁸ Jacob Plouchman, portrayed in the water bailiff accounts as a 'simple man responsible for his wife and six little children', in reality owned three houses with annexes in the heart of Bruges.⁵⁹ Lending credence to the Voluntarist interpretation of informal trade, bypassing the staple is likely to have been a matter of choice for him, made after an assessment of the costs and benefits of formal activities. Most of those qualified as 'poor' do not appear in other sources of the period, however, suggesting their social status was rather low. Being labelled 'poor' did not provide a free ticket to a 'composition' either and some 'poor' offenders were referred to the bench of aldermen as well.⁶⁰ At the same time, the water bailiff's activities were closely scrutinised by the Bruges representatives, in whose interests it was that their city's privileges

⁵⁶ The difficulties of the economically less fortunate to participate in the regular commercial circuit were also experienced by the Castillian traveller Pero Tafur who, when visiting Bruges in the 1430s, wrote that 'without doubt the goddess of luxury has great power there, but it is not a place for poor men who will be badly received'. *Pero Tafur, travels and adventures 1435-1439*, ed. M. Letts (London, 1926), 200.

⁵⁷ Dupont, *Le temps des compositions (Partie I)*, 90-93.

⁵⁸ It gave him the opportunity to record a lower sum in his accounts than the one actually collected, embezzling the difference. Van Rompaey, *Het grafelijk baljuwsambt*, 70. For the abuse of the 'composition' procedure by ducal officers in 15th-century Holland, see W. Blockmans, 'Privaat en openbaar domein. Hollandse ambtenaren voor de rechter onder de Bourgondiërs', in: *Peasants & Townsmen in medieval Europe. Studia in honorem Adriaan Verhulst*, ed. J.M. Duvoisquel and E. Thoen (Ghent, 1995), 713-715. On the difficulties of determining socio-economic categories in the historiography of the late medieval Southern Low Countries, see W. P. Blockmans and W. Prevenier, 'Poverty in Flanders and Brabant from the Fourteenth to the Mid-Sixteenth Century: Sources and Problems', *Acta Historiae Neerlandicae*, 10 (1978), 20-39. W. Blockmans, 'Circumscribing the Concept of Poverty', in: *Aspects of Poverty in Early Modern Europe*, ed. T. Riis (Stuttgart, 1981), 39-45.

⁵⁹ ADN, B 6091, Account Water Bailiff 1402-1402, f. 1 r. He did have six children. SAB, Registers Orphans Chamber, St Nicolas, Book 2, f. 38 v.

⁶⁰ See, for example, SAB, Cartulary Groenenboek A, f. 35 v.

be faithfully respected. Often, ‘compositions’ were granted with their approval⁶¹ and, sometimes, financial arrangements were asked for by the Bruges magistrate himself.⁶²

How gendered were the fifteenth-century staple and *congé* evasions? Between 1400 and 1479, 28.3 percent of the Flemish offenders and 8.2 percent of the total number of black marketeers were women, which is significantly higher than the female proportion of economic, fiscal and monetary crimes and crimes against property observed by the Bruges sheriff during the same period⁶³ and on a par with the notable female involvement in informal economies elsewhere.⁶⁴ 75 percent of the total number of women were penalised between 1400 and 1411, 25 percent of them after 1450. 52.4 percent of the female infringers were recorded only by their own names, suggesting that either they were part of the demographically substantial but consistently overlooked social minority of single women or that at least they were involved in commercial exchange on an independent basis.⁶⁵ The category of the *femme sole* and its association with a lack of financial and personal support might also have been used in the hope that it would evoke sympathy though.⁶⁶ Only one evader is specified as belonging to the economically powerful but socially vulnerable category of widows.⁶⁷

⁶¹ *Cartulaire de l'ancien estaple de Bruges: recueil de documents concernant le commerce intérieur et maritime, les relations internationales et l'histoire économique de cette ville*, ed. L. Gilliodts-Van Severen (Bruges, 1904-1906), I, 444.

⁶² In 1404, Jehan de le Berghe of Dordrecht was given a composition ‘at the request of the law of Bruges, who spoke in his favour and begged the bailiff’. ADN, B 6098, Account Water Bailiff 1404-1404, f. 2 r.

⁶³ Within the economic, fiscal and monetary crimes, women were responsible for six percent of the violations of urban and guild regulations on trade and industry and five percent of the offenses concerning the counterfeiting of certification marks, weights and measures and commercial and quality fraud. Of those committing crimes against property, 57.5 percent were women. Some specific criminal acts, such as the possession of and the trade in stolen goods, with 15 percent of the culprits females, were more gendered, even though the sample here is that small that the statistical margin of error is high. I would like to thank Guy Dupont for providing me access to his PhD research on criminality in late medieval Bruges. Note that a very particular informal market in Bruges, that in sex, had a very outspoken female involvement. 84.4 percent of those fined for operating brothels in the city and 26.6 percent of those who owned ‘evil inns’ between 1385 and 1515 were women. G. Dupont, *Maagdenverleidsters, hoeren en speculanten: prostitutie in Brugge tijdens de Bourgondische periode (1385-1515)* (Bruges, 1996), 108, 116.

⁶⁴ In medieval England, for example, women were particularly active in the forestalling business, trading with dealers outside the market restrictions. R. Hilton, ‘Women Traders in Medieval England’, in: R. Hilton, *Class Conflict and the Crisis of Feudalism. Essays in Medieval Social History* (London, 1990), 137.

⁶⁵ Unlike in Mediterranean regions, single women could make up up to 40 percent of the female adult population in Northwestern Europe. M. Kowaleski, ‘Singlewomen in Medieval and Early Modern Europe. The Demographic Perspective’, in: *Singlewomen in the European past, 1250-1800*, ed. J.M. Bennett and A.M. Froide (Philadelphia, 1999), 38-81. Specifically for Flanders, evidence exists of delayed age at marriage in fifteenth-century rural communities. E. Thoen, ‘Historical Demography in Late Medieval Rural Flanders: Recent Results and Hypotheses’, in: *Peasants and Townsmen in Medieval Europe: Studia in Honorem Adriaan Verhulst*, ed. J.M. Duvoisquel and E. Thoen (Ghent, 1995), 580-581.

⁶⁶ For the all but neutral classification of single women in medieval sources and its use, see C. Beattie, *The Politics of Social Classification in Late Medieval England* (Oxford, 2007), 29-31.

⁶⁷ For their legal and economic position, see B.A. Hanawalt, ‘The Widow’s Mite: Provisions for Medieval London Widows’, in: *Upon My Husband’s Death: Widows in the Literature and Histories of Medieval Europe*,

Within the Flemish subgroup, a majority of 46.7 percent was referred to as the wives of their husbands, implying, as in most sectors of Bruges' economy,⁶⁸ that Flemish female involvement in the black market largely took place within the context of the household. These married women may have been active in Sluys to ensure their family of a complementary income or to provide their husband's business with cheap supplies or an easily accessible market.⁶⁹ As we do not have any information that links their male partners to formal economic activities, it is hard to develop this point further in a way that supports the Structuralist view on informality. Some individual cases,⁷⁰ and the fact that only one of the women caught was summoned before the Bruges aldermen between 1412 and 1470 indicate that women may also have been used to carry out their partners' plans or bore the burden for their husbands' actions because they were more successful in obtaining advantageous arrangements from the authorities in case of arrest.⁷¹ Even more revealing is that all but one of the female Flemings were *Sluyzenaars*. Their disproportionately high involvement in a low-end job whose most distinguishing characteristic was the absence of rules and guild control emphasizes the particularly straitened economic circumstances endured by the Zwin port's women due to the staple restrictions, something also attested in literary sources.⁷²

Foreign offenders

In the first period 57.5 percent of the infringers, and at least 49.4 percent in the second period did not have Flemish origins. To a certain extent, the share of each of the foreign groups in the number of offences reflects the changing fortunes they experienced on the medieval world market that Bruges was. In some respects, however, the bailiff accounts, the *Civiele Sententiën* and the cartularies paint a different picture of Bruges' commercial landscape than the one commonly presented by most other sources. On the one hand, they reveal that some,

ed. L. Mirrer (Ann Arbor, 1992), 21-45. For the Flemish context, see M. Danneel, *Weduwen en wezen in het laat-middeleeuwse Gent* (Leuven, 1996), 249-406.

⁶⁸ Murray, *Bruges, Cradle of Capitalism*, 300-326.

⁶⁹ P. Stabel, 'A European Household Economy', in: *The Household in Late Medieval Cities, Italy and Northwestern Europe Compared* ed. M. Carlier and T. Soens (Leuven, 2001), 121-125.

⁷⁰ See, for example, the case involving Jehan de Cleyhem, which is elaborated further in the text. ADN, B 6099, Account Water Bailiff 1405-1405, f. 1 r.

⁷¹ A similar leniency of the judicial system towards women is seen in the fourteenth-century English countryside. B. A. Hanawalt, *Crime and conflict in English communities 1300-1348* (Cambridge, MA, 1979), 116-117.

⁷² The miserable living conditions of some of these women particularly struck Pero Tafur who, while staying in Sluys, met a pauperess trying to save her daughters from starvation by offering them for sale. *Pero Tafur*, ed. Letts, 200-201.

most notably the Lucchese and, to a lesser extent, the Florentines, could perfectly orchestrate international trade and banking without participating in informal exchange at the Zwin entrance. On the other hand, they abound with staple and *congé* offences committed in Sluys by those servicing the international merchant communities but barred from, and thus invisible in, the centre of commercial exchange itself. Mariners and shipping crews supplying the goods from all parts of Europe and the lower-level staff of the established merchant colonies added the cosmopolitan flavour to that distinctive mix of local fishermen, craftspeople and economic outcasts which had more in common with the social composition of other European port towns than that within the Bruges' own walls.⁷³ The bailiff accounts, the *Civiele Sententiën* and the cartularies thus show us a segment of the city's economic activity that is absent in nearly all other accounts.

In the period 1400-1411, the Hollanders committed 16.5 percent and the Zeelanders 7 percent of the staple offences. These high numbers may be explained by the crucial role both groups played in the international wine trade. At the beginning of the fifteenth century, carrier-traders from Holland and Zeeland largely controlled the transport of wine from Poitou and Gascony to Flanders.⁷⁴ The bailiff accounts suggest that a substantial part of their cargoes never reached the wine staple in Damme but was sold in Sluys. On their way to Southwestern France or to Flanders, the Hollanders and Zeelanders also offered the products of their own, rapidly expanding, economy in Sluys, such as butter, cured herring, cloth, which was cheaper than the Flemish fabrics, madder and, most of all, *kuytbeer*.⁷⁵

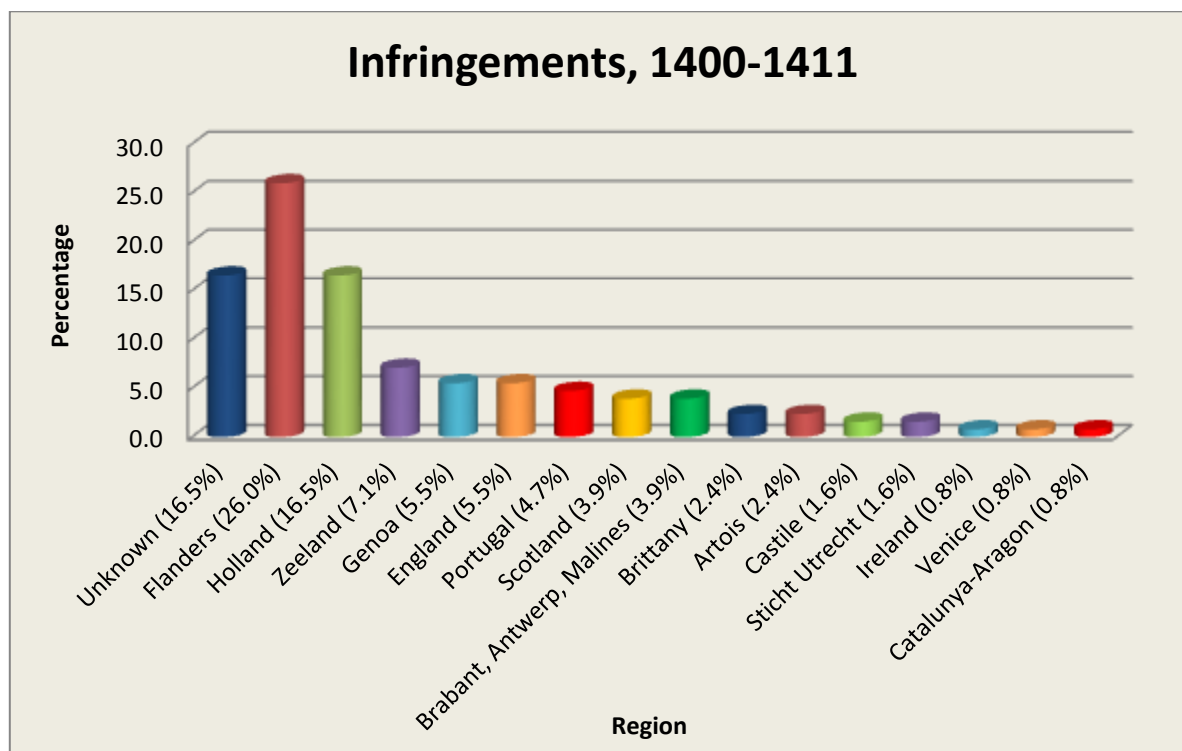
While no other foreign female involvement in the black market is recorded, 19 percent of these Holland traders were women, recorded by their own name. This remarkable female presence may be attributed to the poor economic prospects for single women in Holland's

⁷³ M. Kowaleski, 'Port towns : England and Wales 1330-1540', in: *The Urban History of Britain, vol. 1*, ed. D. Palliser (Cambridge, 2000), 487-493. M. Mollat, *La vie quotidienne des gens de mer en Atlantique (IX^e-XVI^e siècle)* (Paris, 1983), 81-85. J.A. SolórzanoTelechea, 'Las Neireidas del Norte': Puertos e identidad urbana en la fachada Cantábrica entre los siglos XII-XV', *Anales de la Universidad de Alicante, Historia Medieval*, 16 (2009-2010), 47-51.

⁷⁴ J. Craeybeckx, *Un grand commerce d'importation: les vins de France aux anciens Pays-Bas (XIII-XVI^e siècle)* (Paris, 1958), 128-129.

⁷⁵ On the *kuytbeer* and other commodities offered by Holland and Zeeland at the end of the Middle Ages, see W. Blockmans, 'The economic expansion of Holland and Zeeland in the fourteenth-sixteenth centuries', in: *Studia Historica Oeconomica. Liber Amicorum Herman Van Der Wee*, E. Aerts, B. Henau, P. Janssens and R. Van Uytven (Leuven, 1993), 54-57. On the nature of Holland's economic growth during the late medieval period, see B.J.P. Van Bavel and J.L. Van Zanden, 'The Jump-Start of the Holland Economy During the Late-Medieval Crisis, C.1350-C.1500', *Economic History Review*, 57 (2004), 503-532.

cities such as Leyden,⁷⁶ together with the comparatively greater freedom to trade enjoyed by women in cosmopolitan Bruges.⁷⁷ From the 1420s onwards, the Hollanders and Zeelanders increasingly started carrying salt directly from the French bay of Bourgneuf to the Baltic without calling at Flanders.⁷⁸ Accordingly, their share in the staple evasions in Sluys diminishes dramatically, with only 2.9 percent of the infringers originating from Zeeland and 2.3 percent from Holland in the second half of the fifteenth century.



The gap in the wine trade left by the Hollanders and the Zeelanders was filled by the Bretons. Benefiting from their duchy's neutrality in the struggle between the French and the Burgundians,⁷⁹ hundreds of merchants from Penmarc'h, Conquet, Saint-Pol de Léon or Saint-Malo used their fishing vessels to ship wine from Southwestern France to the staple market in Damme or, later, to Walcheren.⁸⁰ From the 40 shiploads of wine that were carried from Bordeaux to Flanders from 1470 until 1500, no less than 33 were transported by Breton

⁷⁶ Single women in late medieval Leyden predominantly performed the city's worst jobs. M. Howell, *Women, production and patriarchy in late medieval cities* (Chicago, 1986), 86.

⁷⁷ Murray, *Bruges, Cradle of Capitalism*, 326. Note that, between 1390 and 1439, the percentages of immigrants from the present-day Netherlands to Bruges, which included a considerable share of women, were higher than in any other period. E. Thoen, 'Immigration to Bruges during the late Middle Ages', in: *Le Migrazioni in Europa. Secc. XIII-XVIII*, ed. S. Cavaciocchi (Firenze, 1994), 345.

⁷⁸ Craeybeckx, *Un grand commerce d'importation*, 128-129.

⁷⁹ H. Touchard, *Le commerce maritime breton à la fin du Moyen Age* (Paris, 1967), 117-125.

⁸⁰ Craeybeckx, *Un grand commerce d'importation*, 135-138. J. Bernard, *Navires et gens de mer à Bordeaux, vers 1400-vers 1550. Tome 2* (Paris, 1968), 513-519.

ships.⁸¹ Nearly absent in Bruges, the massive presence of Bretons in the Zwin Estuary, which is also attested by other sources,⁸² led to a spectacular rise in their numbers in the accounts of the water bailiff: while only 2.4 percent of the staple infringers came from Brittany between 1400 and 1411, they even outnumber the Flemings with 11.6 percent between 1450 and 1479.⁸³

Apart from a little canvas, bacon and Galician iron, the ‘Pety Bretayns’, as they were called by the author of the *Libelle*,⁸⁴ sold dozens of barrels of wine in Sluys. Notarial acts drawn up before their departure from Bordeaux bear witness to the risks they incurred by doing so. In November 1475, several *Bordelais* merchants entrusted Gabriel Prat from Conquet with the shipment of 108 barrels of wine to Flanders. Within 21 days of his return, the Breton would be paid the equivalent of £86 ~~lb.~~ 5s. par. for his work.⁸⁵ Some months later, he was fined £13 4s. par., or almost one sixth of his remuneration, for having sold wine in breach of the staple.⁸⁶ If Prat would have chosen freely to be involved in informal trade, as the Voluntarist view dictates, it is a choice he would not be likely to make again. It is more probable, however, that the strong presence of shipmen from Brittany, Holland and Zeeland and a minority of other French seamen, almost exclusively from the Atlantic coast, and responsible for 5.2 percent of the offenders in the second period,⁸⁷—should be considered from a Legalist perspective. People from these regions are hardly ever represented in the sources documenting formal trade in Bruges. Only very occasionally did they make use of its institutions, they did not have a permanent community in the city and their contacts with more established

⁸¹ *Documents pour servir à l'histoire du commerce des Pays-Bas avec la France jusqu'à 1585. Tome II : Actes notariés de Bordeaux 1470-1520*, ed. M.A. Drost ('s Gravenhage, 1989), 594 p.

⁸² In the spring of 1464, 41 of the 60 ships at anchor in the harbour of Sluys were Breton. R. Degryse, ‘De schepen in de haven van Sluis in het voorjaar 1464’, *Mededelingen van de Marine Academie*, 20 (1968), 97-98. In 1486-1487, 24 of the 75 ships entering the Zwin were Breton. *Inventaire*, ed. Gilliodts Van Severen, VI, 275-276.

⁸³ It must be repeated, however, that the Flemish percentage of 10.4 percent was only a minimum.

⁸⁴ *The Libelle of Englyshe Polycye*, ed. Warner, 8.

⁸⁵ *Actes notariés de Bordeaux*, ed. Drost, 6-7.

⁸⁶ ADN, B 6151, Account Water Bailiff 1474-1475, f. 1 v.

⁸⁷ Some of them were trading saffron. In Southwestern France, Montpellier acted as a redistribution centre for Catalan saffron to Northwestern Europe. K. L. Reyerson, ‘Commercial fraud in the middle ages: the case of the dissembling pepperer’, *Journal of Medieval History*, 8 (1982), 68. On the seamen from Atlantic France, M. Bochaca, ‘Les «gens de mer» dans le villes portuaires de la France atlantique à la fin du Moyen Âge: l'exemple de Bayonne, Bordeaux et Libourne’, in: *Gentes de mar en la ciudad atlantica medieval*, ed. J.A. SolórzanoTelechea, M. Bochaca and A. Aguiar Andrade (Logroño, 2012), 45-62. M. Bochaca and B.A. Bolumburu, ‘Marins, maîtres et propriétaires de navires à Bayonne à travers les ordonnances municipales du début du XIVe siècle’, in: *Navires et gens de mer au Moyen Âge à nos jours* (Paris, 2010), 45-54.

merchants were few and superficial.⁸⁸ Lacking both economic and social capital, the most accessible way for them to share in the burgeoning market that they were servicing was an informal one.

Unlike the Hollanders, the Zeelanders or the Bretons, most Italian, Castilian or Portuguese merchants living in Bruges were strictly organized in foreign merchant guilds, had an extensive commercial infrastructure at their disposal and comfortably rubbed shoulders with the city's commercial and political elites. Although the Southern Europeans proved themselves active smugglers, these communities' involvement in the black trade remained limited. This is not to say that the upper crust of trade and high finance never swindled the authorities: the experienced Portuguese sugar merchant Luís Martins,⁸⁹ the Florentine Tommaso Portinari, manager of the Bruges Medici branch and counsellor of two Burgundian dukes,⁹⁰ and the Venetian Luis Bembo, moneylender to the court,⁹¹ were all caught for seeking to bypass the staple rules and make the argument of sources biased by the protection of influential evaders a rather problematic one. Having full access to and even controlling formal trade in the city, their informal activities can only have been a matter of choice. In an environment where the demarcation between merchants and shipmen was less compelling than in Bruges, the overwhelming majority of staple crimes, however, was committed by the crews of the fleets connecting these resident foreigners with their homeland or by the merchants' factors, clerks, errand boys and other employees. Their involvement could make a strong case for the Structuralist interpretation of informality, in which they would have supported the formal business of their senior compatriots. Yet it seems clear that the work of the established merchants suffered rather than benefited from the offences taking place in the outport. The communities' official representatives often intervened after mischief had been done, trying to solve the problems⁹² and, above all, to minimize the consequences for their

⁸⁸ For the Bretons, see B. Lambert, "‘Marchands Parfois, Marins Plus Souvent’: Commerce Breton à Bruges au Quinzième Siècle", in: *Diplomacia, Comercio y Navegación entre las Ciudades Portuarias de la Europa Atlántica*, ed. J. A. Solórzano Telechea and B. Arizaga Bolumburu (Logroño, 2015).

⁸⁹ ADN, B 6137, Account Water Bailiff 1462-1464, f. 1 v. On Martins, see J. Paviot, 'Les Portugais à Bruges', in: *International trade in the Low Countries*, ed. Stabel, Blondé and Greve, 66-67. J. Paviot, 'Les Portugais à Bruges au XVe Siècle', *Arquivos do Centro Cultural Calouste Gulbenkian*, 38 (199), 21-22.

⁹⁰ ADN, B 6152, Account Water Bailiff 1475-1476, f. 1 r. On Portinari, see M. Boone, 'Apologie d'un banquier médiéval: Tommaso Portinari et l'Etat bourguignon', *Le Moyen Age*, 15, 1, (1999), 31-54.

⁹¹ ADN, B 6125, Account Water Bailiff 1453-1453, f. 2 r. ADN, *Recette Générale de Toutes les Finances*, B 1969, f. 231 v.-235 r. On the Bembo family, see F.C. Lane, *Andrea Barbarigo, merchant of Venice 1418-1449* (New York, 1967), 123-135.

⁹² In 1449, the Venetian consul convinced the Bruges aldermen to remit the fine incurred by a crew member of a Venetian galley for having sold four dozen bellows against the staple. SAB, Civiele Sententiën, Register 1447-1453, f. 73 r. See also SAB, Cartulary Groenenboek Ongecotteerd, f. 48 r.

guild members,⁹³ many of whom demonstrated a true intention of respecting their host city's rules.⁹⁴

The Genoese, who made up 5.5 percent of the offenders against the staple between 1400 and 1411, must have been popular visitors in Sluys until the late 1450s. Genoese patrons and their seamen, sometimes whole carrack crews at once,⁹⁵ halted in the Zwin town to buy cloth and to sell raisins, figs and malmsey wine. From the middle of the 1430s onwards, privateering wars fought with the Aragonese, the hostilities between the English and the French and the Burgundian aspirations in the Mediterranean seriously disturbed commercial relations between Genoa and Flanders.⁹⁶ This probably explains why, after 1460, Genoese disappear completely from the statistics.⁹⁷

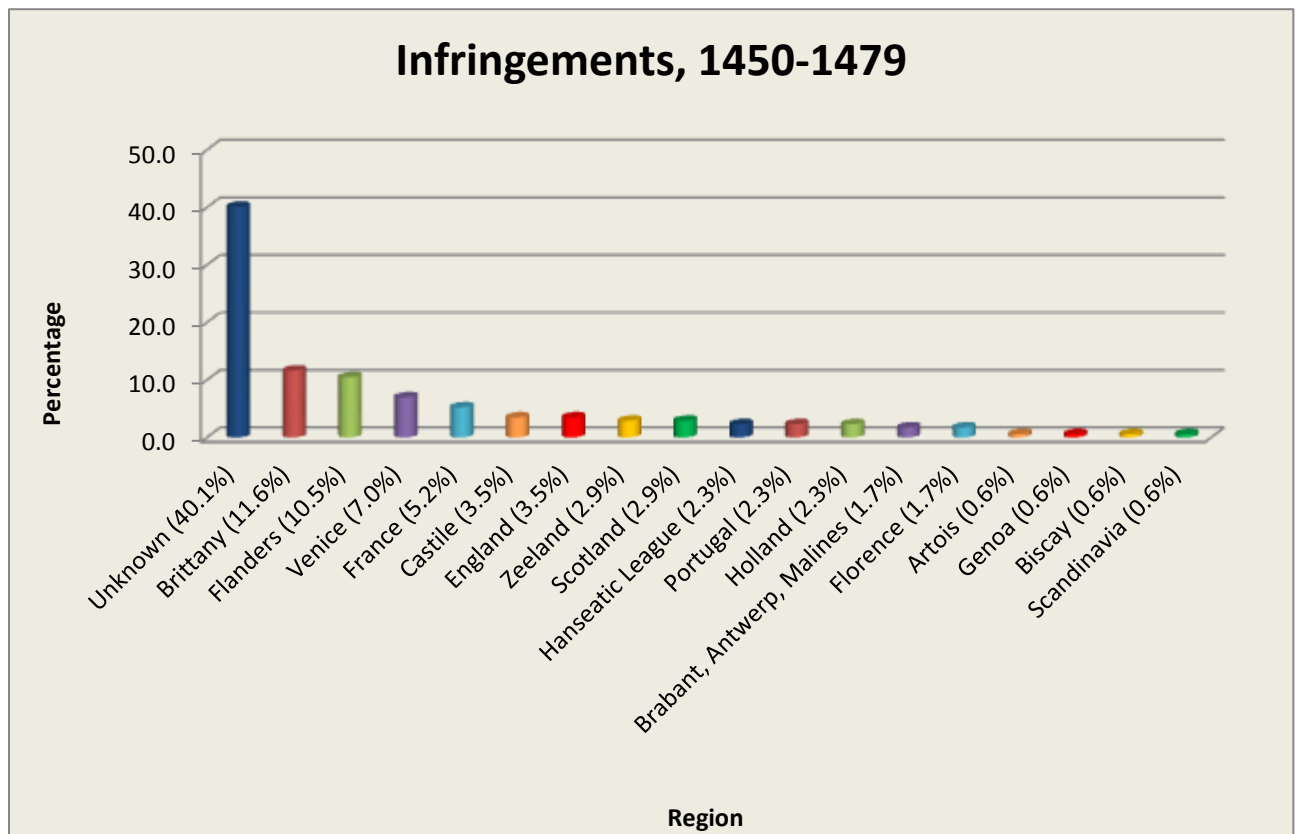
⁹³ In a trial before the aldermen in 1446 concerning repeated infractions against the staple by the crews of Venetian galleys, the Venetian consul argued that if 'aucuns desdiz galees avoient fait contre ledit appointment ilz en devoient estre corrigiez et non point eulx qui riens navoient mesfait'. SAB, Cartulary Groenenboek A, f. 292 v.

⁹⁴ In 1445, the Pisan Francesco Pipinelli and the Catalan Saldone Ferier, whose ship was unable to sail further down the Zwin, asked for the authorities' permission to unload their freight of perishable goods. SAB, Civiele Sententiën, Register 1447-1453, f. 322 v. In 1455, Castilian representatives complained that certain obstacles had prevented their merchants from bringing their goods to the staple and requested the Bruges city council to remove these. SAB, Civiele Sententiën, Register 1453-1460, f. 69 v.

⁹⁵ See the case involving Antonio Giustiniani's ship in 1455-1456. ADN, B 6129, Account Water Bailiff 1455-1456, f. 1 r. See also A. Nicolini, 'Commercio marittimo Genovese nei Paesi Bassi Meridionali nel Medioevo', *Atti della Società Ligure di Storia Patria*, 121, 2 (2007), 77-142.

⁹⁶ Petti-Balbi, *Mercanti e naciones: i genovesi in eta bassomedievale* (Pisa, 1996), 38-46.

⁹⁷ After 1460, the Genoese also disappear from the chapters in the bailiff accounts concerning other crimes. J.A. Goris, 'Etude historique sur les relations commerciales entre la Flandre et Gênes au moyen âge', *Annales du Comité Flamand de France*, 28 (1906-1907), 144-145. See also J. Paviot, 'Aspects de la navigation et de la vie maritime génoises au XVe siècle, d'après les comptes des baillis de L'Écluse, port de Bruges', *La storia dei genovesi*, 12 (1994), 247-261.



Eager to outstrip the Genoese also in this part of commercial exchange were the Venetians. While almost invisible during the first eleven years of the fifteenth century, accounting for only 0.8 percent of the infractions, Venetian galley crew flooded the black market with silk, sugar and rumney wine in the second period and forced up the *Serenissima*'s percentage in the amount of illicit traders to just under seven percent. Although much more pronounced, the changes in the numbers of Genoese and Venetians recorded at the Zwin mouth correspond more or less with the data provided by other sources. While Genoese merchants still topped the list of the foreign nations providing money to the city of Bruges in the first decades of the century, the most important contributions to forced loans and urban manifestations after 1435 were consistently made by the Venetian community.⁹⁸

⁹⁸ For the forced loan in 1411-1412, see *Inventaire*, ed. Gilliodts-Van Severen, IV, 90-91. For the forced loan in 1438, see *Inventaire*, ed. Gilliodts-Van Severen, V, 186-188. For Philip the Good's ceremonial entry in 1440, see *Cronijcke van den lande ende graefschape van Vlaenderen, gemaect door jo^r Nicolaes Despars*, ed. J. De Jonghe, (Bruges, 1840), III, 431-432. For Charles the Bold's ceremonial entry in 1469, see *Mémoires d'Olivier de la Marche: maitre d'hôtel et capitaine des gardes de Charles le Téméraire*, ed. J. d'Arbaumont and H. Beaune (Paris, 1888), III, 113-114. On ceremonial entries in the Burgundian Low Countries in general, see E. Lecuppre-Desjardin, *La ville des cérémonies. Essai sur la communication politique dans les anciens Pays-Bas bourguignons* (Turnhout, 2004).

Rather than a Structuralist view, a Legalist explanation can account for the widespread informal business of both Genoese and Venetian shipping staff. For all of the offenders, the costs of the formal staple trade must have had an impact. Genoese patrons were privately responsible for the construction and operation of their ships, the recruitment of their crews and, in the end, the profitability of their voyages.⁹⁹ Venetian patrons were usually junior members of the nobility working for the state, but those caught in Sluys were more humble crew members such as scribes, pursers, barbers, trumpeters, oarsmen and other galley crew, often only identified in the bailiff accounts by their Christian name or their employment.¹⁰⁰ It is significant that the only Venetian patron who was fined outside the state sponsored *Muda* convoys—at a time when private ship owning was experiencing increasing difficulties,¹⁰¹ Ser Nadal Salomon, a regular in the trade with Flanders, had to hold on to a freight of malmsey wine in order to have his shipping costs reimbursed, saw no other option than to sell his carrack and was accused by fellow Venetians of having delivered damaged cotton, all within the space of six months. It is possible that these were the setbacks that pushed him into the informal market and into disposing of some of the cargo illicitly in 1467.¹⁰²

The Genoese and the Venetians, apart from a few Florentines in the second period (1.74 percent)¹⁰³ the only Italians in Sluys, were joined by dozens of other traders from all parts of

⁹⁹ On the patrons of Genoese ships and the financial difficulties they often encountered during this period, see J. Heers, 'Les patrons de navires à Gênes au temps de la jeunesse de Christophe Colomb: compétences, expériences, profil social', in: *Atti del IV Convegno Internazionale di Studi Colombiani. Genova, 21-23 ottobre 1985. Volume I* (Genoa, 1987), 63-88.

¹⁰⁰ On the Venetian shipping personnel during the last centuries of the Middle Ages and its low social status, which may have contributed considerably to its involvement in black trade, see F.C. Lane, 'Venetian Seamen in the Nautical Revolution of the Middle Ages' in: *Venezia e il Levante fino al sec. XV. vol.I*, ed. A. Pertusi (Firenze, 1973), 403-429. Reprint in F.C. Lane, *Studies in Venetian Social and Economic History* (London, 1987). H. Bradley, *Italian Merchants in London, 1350-1450* (London, 1992), 53-56. A.A. Ruddock, 'Alien Merchants in Southampton in the Later Middle Ages', *English Historical Review*, 61, 239 (1946), 12-13. The views of the hosts of alien merchants recorded in England in the 1440s reveal how the selling and purchasing power of the Venetian galley crews, however negligible in individual terms, could be very considerable due to the sheer number of crew members, up to 200, and their habit to pool resources together. See, for example, the view for Giacomo Corner's galley in 1441-1442. *The views of the hosts of alien merchants 1440-1444*, ed. H. Bradley (London, 2012), 109-117.

¹⁰¹ F.C. Lane, 'Venetian Shipping during the Commercial Revolution', in: *Venice and History. The Collected Papers of Frederic C. Lane* (Baltimore, 1966), 8.

¹⁰² Salomon was already involved in the wine trade in 1459. Melis, *Documenti per la Storia Economica*, 356, 358. For the court hearings, see SAB, Civile Sententiën, Register 1465-1469, f. 68 v.-69 r., 87 r.-v. For the staple case, see ADN, B 6144, Account Water Bailiff 1467-1468, f. 1 r. SAB, City Accounts, 1466-1467, f. 13 r.

¹⁰³ Communal Florentine galleys only sailed to Flanders and Southampton between 1425 and 1478 and most of the ships called at Sluys only briefly. Because of the unpopularity of the mariners' service and their frequent desertion, patrons were very reluctant to let their men go ashore. A Florentine scribe or notary still managed to break the staple laws in 1470. As no communal voyages westward have been recorded during that year, he must have belonged to the crew aboard the Burgundian galleys privately leased by the Florentine Medici company and its manager Tommaso Portinari, caught acting against the staple himself five years later, which were temporarily requisitioned by Charles the Bold and spent some months in northern waters afterwards. For the communal

Europe. Bearing in mind the number of black marketeers from other neighbouring regions, most notably Holland, it is surprising that only 3.9 percent of those caught in the period from 1400 to 1411 originated from Brabant. This diminished even further to 1.7 percent between 1450 and 1479, possibly because of the development of Antwerp as a hotspot of international trade in its own right.¹⁰⁴ The acts of piracy discussed in the Genoese case also resulted in the complete absence of Catalans after 1450¹⁰⁵ and the temporary disappearance of Castilians from 1456 to 1460.¹⁰⁶ Even so, the total Castilian share in the number of offenses against the staple rose from 1.6 percent during the first period to 3.5 percent between 1450 and 1479. Although the Castilians primarily imported wine and Basque or Galician iron to Sluys, this increase must be related to the boom of Castilian merino wool on the Bruges market.¹⁰⁷ One infringer fell under the responsibility of the Biscayan merchant guild, seceded from the Castilian nation in 1455.¹⁰⁸

The Portuguese, on the contrary, sold considerable amounts of wine and Lenten fruits such as raisins and figs during the first decade of the fifteenth century but saw their involvement in the evasion of the staple drop from 4.7 to 2.3 percent of the infractions after 1450. Besides, again, the privateering and the granting of new privileges, bringing about more commercial freedom and less need to break the rules,¹⁰⁹ the changing nature of Portuguese trade was arguably the prime reason for this decline. The great geographical discoveries in the second

galley trade with Flanders, see W.B. Watson, 'The Structure of the Florentine Galley Trade with Flanders and England in the Fifteenth Century', *Revue Belge de Philologie et d'Histoire*, 39 (1961), 4, 1073-1091. W.B. Watson, 'The Structure of the Florentine Galley Trade with Flanders and England in the Fifteenth Century (2nd part)', *Revue Belge de Philologie et d'Histoire*, 40 (1962), 2, 317-347. For their recruitment and backgrounds of its crews, see M.E. Mallett, *The Florentine Galleys in the Fifteenth Century* (Oxford, 1967), 55-57. For the infringing scribe, see ADN, B 6147, Account Water Bailiff 1470-1471, f. 1 v. For the Medici galleys, see Mallett, *The Florentine Galleys*, 98-102. For Portinari being caught, see ADN, B 6152, Account Water Bailiff 1475-1476, f. 1 r.

¹⁰⁴ The water bailiff accounts show that, particularly from the 1450s onwards, many of the goods traded in Sluys either came from or were on their way to Antwerp. See, among others, ADN, B 6119, Account Water Bailiff 1451-1451, f. 1 v. ADN, B 6121, Account Water Bailiff 1451-1452, f. 1 v. ADN, B 6137, Account Water Bailiff 1462-1464, f. 2 v. ADN, B 6152, Account Water Bailiff 1475-1476, f. 1 r. ADN, B 6156, Account Water Bailiff 1478-1479, f. 1 r.

¹⁰⁵ On Catalan sailors, marginally represented between 1400 and 1411, T.M. Vinyoles i Vidal, 'La vita quotidiana della gente di mare (esempi barcellonesi dei secoli XIV e XV)', *Medioevo: Saggi e Rassegne*, 21 (1996), 9-36.

¹⁰⁶ J.A. Goris, 'Etude historique sur les relations commerciales entre la Flandre et l'Espagne au moyen âge', *Annales du Comité Flamand de France*, 24 (1898), 197, 204.

¹⁰⁷ W.D. Phillips, 'Merchants of the fleece: Castilians in Bruges and the wool trade', in: *International trade in the Low Countries*, ed. Stabel, Blondé and Greve, 75-84.

¹⁰⁸ H. Casado Alonso, 'La nation et le quartier des Castillans de Bruges (XVe et XVIe siècles)', *Handelingen van het Genootschap voor Geschiedenis*, 133 (1996), 64.

¹⁰⁹ The confirmation of their privileges in 1438 gave the Portuguese the right to freely sell cork, a commodity which, according to the water bailiff's records, was much in demand in Sluys. See, for example, ADN, B 6107, Account Water Bailiff 1407-1407, f. 2 r. J. Paviot, *Portugal et Bourgogne au XVe siècle* (Paris, 1995), 59.

half of the fifteenth century laid the foundation for the Portuguese commercial expansion, but also made many commodities subject to a royal monopoly,¹¹⁰ making them less suited for illicit trade. Also declining was the English share in the staple evasions, from 5.5 percent to 3.5 percent. Given the constant political turmoil jeopardizing Anglo-Flemish commercial relations throughout the fifteenth century,¹¹¹ the drop in the number of English, still prominent in both formal and informal trading activities in fourteenth-century Bruges,¹¹² is only a moderate one.¹¹³ Their Scottish neighbours were responsible for 3.9 percent of the entries in the bailiff accounts between 1400 and 1411 by illegally marketing their cloth in Sluys. They continued to do so until dissatisfaction with their treatment by the Bruges authorities made them decide to stay away from the city in 1467 and a package of fiscal benefits, including exemption from the *congé* tax, was offered in an attempt to lure them back in 1470.¹¹⁴

Remarkably absent from the records in the first period and only very modestly represented during the second (2.3 percent) is the Hanseatic League, one of the pillars of Bruges' international trade. The German Hansa used the adhesion to the Bruges staple market as an instrument for political bargaining: any reluctance to compensate violations of existing privileges or grant new ones was responded with a withdrawal of its *Kontor*, one of which, between 1451 and 1457, fell directly in the middle of the period under consideration.¹¹⁵ Realising that the compulsory passage of all goods bound for or coming from Hanseatic territories through Bruges was the only option to prevent external competitors, mainly

¹¹⁰ Paviot, *Les Portugais à Bruges au XVe Siècle*, 15-18.

¹¹¹ See J.H. Munro, *Wool, cloth and gold. The struggle for bullion in Anglo-Burgundian trade 1340-1478*, (Brussels, 1973). M.R. Thielemans, *Bourgogne et Angleterre. Relations politiques et économiques entre les Pays-Bas bourguignons et l'Angleterre. 1435-1467* (Brussels, 1966). For the evasion of staple privileges in England itself, see E.M. Carus-Wilson and O. Coleman, *England's Export Trade 1275-1547* (Oxford, 1963), 22-29. *The overseas trade of London: exchequer customs accounts 1480-1*, ed. H.S. Cobb (London, 1990), xxx-xxxiii. B. Lambert, 'Offences in the Outport: Illicit Trade in Fifteenth-Century Sluys and Southampton', in: *Il Commercio Al Minuto: Domanda e Offerta tra Economia Formale e Informale. Secc. XIII-XVIII. Retail Trade: Supply and Demand in the Formal and Informal Economy from the 13th to the 18th Centuries*, ed. S. Cavaciocchi (Florence, 2015).

¹¹² D. Nicholas, 'The English trade at Bruges in the last years of Edward III', *Journal of Medieval History*, 5 (1979), 23-61.

¹¹³ For the commercial aspirations of the English shipmaster and the remuneration of the seamen, the most likely culprits in this respect, see M. Kowaleski, 'The Shipmaster as Entrepreneur in Medieval England', in: *Commercial Activity, Markets and Entrepreneurs in the Middle Ages. Essays in Honour of Richard Britnell*, ed. B. Dodds and C.D. Liddy (London, 2011), 165-182. M. Kowaleski, 'Working at Sea: Maritime Recruitment and Remuneration in Medieval England', in: *Ricchezza del Mare. Ricchezza dal Mare. Secc. XIII-XVIII*, ed. S. Cavaciocchi (Firenze, 2006), 907-936.

¹¹⁴ M.P. Rosenboom, *The Scottish Staple in the Netherlands* (The Hague, 1910), 22-25.

¹¹⁵ W.P. Blockmans, 'Konfliktregelung der Hanse in Flandern (1393-1451)', in: *Die Niederlande und der europäische Nordosten. Ein Jahrtausend weiträumiger Beziehungen (700-1700). Vorträge, Symposium Kiel, 8-11. Oktober 1989*, ed. H. Menke (Neumünster, 1992), 209-219. D.W. Poeck, *Kontorverlegung als Mittel hansischer Diplomatie*, in: *Hansekaufleute in Brügge. Teil 4: Beiträge zur Internationalen Tagung in Brügge April 1996*, ed. N. Jörn, W. Paravicini and H. Wernicke (Frankfurt am Main, 2000), 33-54.

Holland, from importing cloth to the Baltic and to sideline internal rivals less prominent in Flanders such as Cologne, the leading Hanseatic cities, Lübeck up front, always backed down.¹¹⁶ Still, the *Ventegut*, the commodities they were allowed to sell freely, left the *Oosterlingen*, as their merchants were called, with more possibilities for conducting trade in Sluys legitimately than their counterparts.¹¹⁷ Even though this resulted in them not being fined and recorded in the sources, the goods they provided were often sold on illegitimately by others.¹¹⁸ This suggests that loosening the regulation of formal trade for only one group of traders would not automatically reduce overall informal activities, on the contrary.

As it is the essence of informal trade that it went unrecorded in the official statistics, it is hard, if not impossible to quantify its extent in Sluys. No sources other than the water bailiff accounts and, in case of legal proceedings, the Bruges registers of civil justice and cartularies, inform us on the illicit business in the port town. Still, it seems likely that the infringements sanctioned by the ducal officers were only the thin end of the wedge. Responsible for the enforcement of ducal authority on the water of the Zwin mouth and on the quays of the Sluys harbour, the water bailiff covered a jurisdiction that was far more extensive than that of any of his urban colleagues in Flanders. Within this area, the detection of staple and *congé* offences was only one of his many tasks, responsible for no more than eighteen percent of his average revenues both between 1400 and 1411 and 1450 and 1479.¹¹⁹ The water bailiff had to make sure that law and order were respected in the harbour. Additionally, he dealt with any criminal activity that had taken place on the ships during their journey to Sluys. He authorized the arrival and the departure of all vessels in the port and claimed the shipwrecks washed up on the Zwin shores for the duke.¹²⁰

Whereas, in the case of the *congé*, the receipts provided upon payment could still be checked, the only option to discover staple infringements was to catch perpetrators in the act of making an illicit transaction. Even though the water bailiff could rely on a clerk and several sergeants and was able to hire the services of shipmasters to go on the water, it must be clear that

¹¹⁶ P. Dollinger, *The Hansa: Emergence of International Business, 1200-1800* (London, 2000), 202-203, 306.

¹¹⁷ The *Ventegüter* included timber, pitch, tar, beer and Rhenish wine. J.H.A. Beuken, *De Hanze en Vlaanderen* (Maastricht, 1950), 14.

¹¹⁸ In 1407, Eustasse Riotte of Ghent was accused of selling herring in Sluys bought 'from franchised Germans'. ADN, B 6106, Account Water Bailiff 1407-1407, f. 3 r.

¹¹⁹ The highest figures were realized in 1466-1467, with 84.7 percent of the total revenues that year coming from staple or *congé* offences. In the account of January to May 1404, no crimes against the staple or *congé* were recorded.

¹²⁰ J. Paviot, *La politique navale des ducs de Bourgogne, 1384-1482* (Lille, 1995), 31-32.

complete coverage was an illusion in a place where, in 1457, over 110 ships had moored and an estimated 1,200 traders from outside the town were flocking together.¹²¹ All of these considerations are also based on the assumption that it was in the officers' interests to track down staple offences, which, as will be shown further, was not always the case. Laurence le Moor, a Sluys local, probably judged the situation quite accurately in 1406. Stopped for selling barrels of ashes, he made the excuse that 'several others in the past had done it without having been made to account by anyone, so if they had taken something it would never have been known by the said water bailiff nor by those supposed to look after the rights of our lord and the said city'.¹²² Le Moor considered the chances of being caught that low that he tried again with pieces of bacon the following year.¹²³ The low probability of detection must have encouraged those for whom informal activities were no necessity to trade against the staple and make a handsome profit anyway.

That the enforcement of the staple rules cannot have been that watertight is finally suggested by the fact that, despite the very stringent restrictions they imposed, Sluys only continued to grow. In 1469, on the eve of the havoc wreaked by the Flemish Revolt of 1477-1492, Sluys had over 9,700 inhabitants and ranked as the fourth city in the county.¹²⁴ Illicit trade might have been a reality for only part of them, yet it should be understood that this was not a place that willingly acquiesced in the economic holdup committed by the Bruges commercial elites.

Ignorance, powerful friends and criminal networks or how to evade the staple rules

The records of the cases made by the water bailiff or the aldermen allow us to reconstruct various strategies used by the infringers either to mislead the authorities or, in case of arrest, to arouse their sympathy. Although it is impossible to determine to which extent the explanations given by the accused were sincere, the repetition of some procedures, several of which were characteristic to certain groups, suggest that these served as an excuse to cover up more malicious intentions.

¹²¹ Craeybeckx, *Un grand commerce d'importation*, 137-138.

¹²² ADN, B 6103, Account Water Bailiff 1406-1406, f. 1 r.

¹²³ ADN, B 6107, Account Water Bailiff 1407-1407, f. 1 v.

¹²⁴ W. Prevenier, 'La démographie des villes du comté de Flandre aux XIV^e et XV^e siècles. Etat de question. Essai d'interprétation', *Revue du Nord*, 257 (1983), 264, 268.

One of the more rudimentary and most frequently used tactics, certainly by foreigners, was to pretend that they were not aware of the staple system, or some of its aspects.¹²⁵ The staple privileges were extremely complex and were subject to constant change. More than once, Bruges had been accused by the other Members of Flanders or by Sluys of deliberately keeping the regulations vague and interpreting them to its own advantage.¹²⁶ The bailiff accounts show that this complexity cut both ways and was abused by the black marketeers as well, often to no avail. That Luis Bembo would not have known he had to pay *congé* on his bundle of silk after fifteen years of regular commercial activities in the county must have raised even the most gullible officer's eyebrows.¹²⁷ Somewhat more convincing was to argue that the staple commodities, most commonly victuals, raw materials or small quantities of high value-added products, had been bought for personal use or for that of a relative, and were not in any case for resale.¹²⁸ Both arguments sufficed for the water bailiff to allow the infringers to get away with a 'composition'.

Another option was to put the blame on assistants,¹²⁹ other merchants,¹³⁰ hostellers¹³¹ or even the ducal officers.¹³² However, most of these excuses were not accepted without further investigation. In 1450, the Genoese Nicolao della Costa and Georges de Sauvignon appeared in court because some goods imported into Sluys on their ship had been unloaded and transported to Zeeland. After the accused had claimed that the vessel had been emptied on the initiative of Melchior Gentile, the captain of the carrack, an inquiry was set up by Jacques

¹²⁵ In 1400, the water bailiff caught Jehan le Zomer from Brussels, 'who of the said customs knows nothing'. ADN, B 6085, Account Water Bailiff 1400-1400, f. 3 r. See also ADN, B 6092, Account Water Bailiff 1402-1402, f. 1 r. ADN, B 6095, Account Water Bailiff 1403-1403, f. 3 r. ADN, B 6098, Account Water Bailiff 1404-1404, f. 2 r. ADN, B 6104, Account Water Bailiff 1406-1406, f. 1 r. ADN, B 6107, Account Water Bailiff 1407-1407, f. 2 r.

¹²⁶ See, for example, the complaint by the Liberty of Bruges in 1415. *Handelingen van de leden en staten van Vlaanderen (1405-1419). Deel II*, ed. A. Zoete (Brussels, 1981-1982), 932.

¹²⁷ ADN, B 6125, Account Water Bailiff 1453-1453, f. 2 r. Bembo was already dealing with the Burgundian court in 1440. ADN, Recette Générale de Toutes les Finances, B 1969, f. 231 v.-235 r.

¹²⁸ See ADN, B 6085, Account Water Bailiff 1400-1400, f. 3 v. ADN, B 6096, Account Water Bailiff 1403-1404, f. 3 r. ADN, B 6098, Account Water Bailiff 1404-1404, f. 2 r.-v. ADN, B 6103, Account Water Bailiff 1406-1406, f. 1 v., 2 r. ADN, B 6106, Account Water Bailiff 1407-1407, f. 3 v., 4 r. ADN, B 6114, Account Water Bailiff 1409-1410, f. 1 v.

¹²⁹ See ADN, B 6094, Account Water Bailiff 1403-1403, f. 1 v. ADN, B 6098, Account Water Bailiff 1404-1404, f. 2 r. ADN, B 6102, Account Water Bailiff 1405-1406, f. 2 v. ADN, B 6107, Account Water Bailiff 1407-1407, f. 1 v. ADN, B 6113, Account Water Bailiff 1409-1409, f. 3 r.

¹³⁰ Foreigners under arrest often accused local buyers of having pretended that the offered goods were not subject to the staple. See, for example, ADN, B 6105, 1406-1407, f. 2 r. and ADN, B 6115, Account Water Bailiff 1410-1410, f. 1 v.

¹³¹ In 1462, four Bretons declared they had bought salt and iron on the advice of their hosteller. SAB, Cartulary Nieuwe Groenenboek Ongecotteerd, f. 127 v.

¹³² In 1443, Gillis Costinzone from Rotterdam argued he had only bought some raisins in Sluys because the water bailiff's aide had told him that he was allowed to do so. SAB, Cartulary Groenenboek A, f. 277 v.

Reingot, the Bruges representative in the Zwin port. He was able to prove that the ship used for carrying the commodities abroad had been sent to Sluys by della Costa and Sauvignon themselves, who were fined a heavy £200 par.¹³³

A subtle way in which the rules could be evaded was to bring to the staple or the *congé* only part of the freight. The Scotsman Robert Fitzthomas was penalised in 1403 for having paid taxes for 15 ells of cloth while he had imported 24.¹³⁴ Even more inventiveness was involved in the fraud with portage goods, the limited amount of commodities foreign seamen were allowed to bring along and to sell freely after registering them with the water bailiff.¹³⁵ Swindlers presented merchandise as portage while it was not,¹³⁶ offered portage goods without registration¹³⁷ or registered their stock against the names of others because they themselves were not entitled to sell portage commodities.¹³⁸

The Venetians in particular were experts in adapting the portage rules to their own needs. In 1446, after Bruges had tolerated their infringements for years, the water bailiff and the city's staple representative thought they had gone far enough and sued the Venetian merchant guild for large-scale violation of the portage arrangements. No solution was reached, as the Venetian consul was able to convince the aldermen that he and his colleague merchants were in no way responsible for the objectionable behaviour of the galley crews in Sluys.¹³⁹ In 1479 the Bruges authorities even decided to farm the office of the water bailiff's clerk, charged with the registration of portage goods, themselves, outraged as they were about the liberal interpretation of the portage concept.¹⁴⁰

¹³³ SAB, Civile Sententiën, Register 1447-1453, f. 139 r. SAB, Cartulary Nieuwe Groenenboek Ongecotteerd, f. 45 r.

¹³⁴ ADN, B 6093, Account Water Bailiff 1402-1403, f. 3 r. For similar cases, see ADN, B 6089, Account Water Bailiff 1401-1402, f. 1 r. ADN, B 6107, Account Water Bailiff 1407-1407, f. 2 r. Undervaluing cargoes was a classic procedure among smugglers, also applied by evaders of the late medieval English staple ports. Carus-Wilson and Coleman, *England's Export Trade*, 28.

¹³⁵ For a discussion of the portage matter from an English perspective, see Kowaleski, *Working at Sea*, 925-928. The cargo space allowed to ship portage goods substituted for part or all of seamen's remunerations, inciting them even more to make the most of their commercial opportunities.

¹³⁶ See ADN, B 6115, Account Water Bailiff 1410-1410, f. 1 v. SAB, Cartulary Groenenboek A, f. 267 v., 277 v.

¹³⁷ See ADN, B 6112, Account Water Bailiff 1409-1409, f. 2 r. ADN, B 6119, Account Water Bailiff 1451-1451, f. 1 v. ADN, B 6152, Account Water Bailiff 1475-1475, f. 2 r. ADN, B 6155, Account Water Bailiff 1478-1478, f. 4 v.

¹³⁸ See SAB, Cartulary Groenenboek A, f. 277 r. *Cartulaire de l'ancien estaple*, ed. Gilliodts-Van Severen, I, 546.

¹³⁹ 'If those of the galleys have acted against the said agreement they have to be corrected and not those who have done nothing wrong'. SAB, Cartulary Groenenboek A, f. 292 v.

¹⁴⁰ *Cartulaire de l'ancien estaple*, ed. Gilliodts-Van Severen, I, 233.

Although most offenders did not belong to influential economic or political networks, some of them were able to avoid costly fines by calling on the aid of powerful friends and relatives. Most enlightening with respect to the staple debate is the use of hostellers, as it was in their interests that staple privileges were faithfully respected, at least if they were active in Bruges. Throughout the fifteenth century, the Bruges craft guilds repeatedly denounced activities and investments by Bruges citizens in Sluys.¹⁴¹ Could their implicit allegations of economic collaboration have been provoked by double-dealing hostellers?¹⁴² The bailiff accounts, the cartularies and the *Civiele Sententiën* contain several cases in which innkeepers obtained advantageous ‘compositions’ for their smuggler guests, but unfortunately do not record the hostellers’ locations.¹⁴³ Others intervening in the offenders’ favour were their hometown bailiff¹⁴⁴ or city council.¹⁴⁵ Particularly Ghent attached much importance to the legal protection of its citizens.¹⁴⁶ Some offenders managed to get a more advantageous settlement thanks to bastard members of the Flemish nobility.¹⁴⁷ The most impressive example of

¹⁴¹ Dumolyn, *Rebelheden ende vergaderingen*, 315.

¹⁴² During the fifteenth century, both Bruges hostellers and brohers also had interests in Antwerp, an even more serious commercial rival. G. Asaert, ‘Gasten uit Brugge. Nieuwe gegevens over Bruggelingen op de Antwerpse markt in de vijftiende eeuw’, in: *Album Carlos Wyffels, aangeboden door zijn wetenschappelijke medewerkers* (Brussels, 1987), 30-31.

¹⁴³ In 1401, Jehan Merseman of Oostburg obtained a composition ‘at the request of his host’. ADN, B 6087, Account Water Bailiff 1401-1401, f. 3 v. See also ADN, B 6094, Account Water Bailiff 1403-1403, f. 3 r. ADN, B 6096, Account Water Bailiff 1403-1404, f. 2 v. ADN, B 6101, Account Water Bailiff 1405-1405, f. 2 v. ADN, B 6109, Account Water Bailiff 1408-1408, f. 1 v. ADN, B 6116, Account Water Bailiff 1410-1410, f. 2 r. ADN, B 6156, Account Water Bailiff 1478-1479, f. 2 r. SAB, Cartulary Groenenboek A, f. 259 v., 278 v., 301 r.

¹⁴⁴ See ADN, B 6089, Account Water Bailiff 1401-1402, f. 3 v.

¹⁴⁵ In 1400, Symon Bert was released from prison ‘at the request of the good people of the law of the said city of Middelburg’. ADN, B 6084, Account Water Bailiff 1400-1400, f. 2 r. See also ADN, B 6100, Account Water Bailiff 1405-1405, f. 1 r., 2 v.

¹⁴⁶ In 1400 Lievin Arnoul, who had brought apples to Zeeland without passing by the staple, was allowed to make a ‘composition’ after the intervention of the ‘good people of the law of Ghent, who wrote him about it twice’. ADN, B 6086, Account Water Bailiff 1400-1401, f. 1 v. In 1401 Pierre de Breda, who had unloaded an amount of knives in Sluys without having paid the *droit de congé*, obtained a ‘composition’ thanks to the Ghent bailiff, ‘of whom he is a relative’. ADN, B 6089, Account Water Bailiff 1401-1402, f. 3 v.. In 1407 Eustasse Riotte, who had sold herring in Sluys, was released from prison at the request of the Ghent city council. Soon afterwards, Riotte caught a disease and ‘went from life to death’, after which a pledge was obliged to pay his fine. ADN, B 6098, Account Water Bailiff 1407-1407, f. 3 r. In 1465, two lawyers and apostolic notary Rombout de Doppere had to be sent to Sluys to record Ghent citizen Christoffel Hughaert’s refusal to bring wine to the staple. The dispute was continued before the Great Council, the supreme court in the Burgundian Low Countries. SAB, City Accounts, 1464-1465, f. 28 r., 29 r. See also D.M. Nicholas, ‘Crime and punishment in fourteenth-century Ghent’, *Revue Belge de Philologie et d’Histoire*, 48, 2 (1970), 300-306.

¹⁴⁷ People from Cadzand were given a ‘composition’ at the request of Charles, Bastard of Gistel, in 1410. ADN, B 6115, Account Water Bailiff 1410-1410, f. 1 v. On Charles of Gistel, see F. Buylaert, *Repertorium van de Vlaamse adel, ca. 1350-ca. 1500* (Ghent, 2011), 274. Later in the same year, Victor, the illegitimate son of the late count of Flanders Louis of Male, intervened in favour of the wife of Thierry Baye. ADN, B 6116, Account Water Bailiff 1410-1410, f. 1 v. On Victor of Flanders, see Buylaert, *Repertorium*, 756-758.

intervention occurred in 1404 on behalf of Robert de Wisque from Aire-sur-la-Lys, whose fine was remitted on the order of the duchess of Burgundy.¹⁴⁸

Following a less rigid distribution of commercial space than the places where the bulk of retail in Bruges occurred,¹⁴⁹ commercial exchange in Sluys burgeoned in the periphery of urban jurisdiction. The physical landscape of the Zwin region, a network of numerous hidden and less-hidden creeks shaped during centuries of floods and land reclamations¹⁵⁰ and difficult to monitor for anyone who wanted to exercise control, also provided the ideal environment for informal trading.¹⁵¹ The most decisive stimulus to break the staple rules must have been the proximity of buyers and sellers, facilitating more direct contacts between merchants from various foreign nations on the one hand, and between foreigners and local people on the other than the heavily institutionalised and brokered trade conducted in Bruges. Sometimes these encounters gave rise to specific black marketeering networks, in which those involved, usually voluntary offenders, made a very sophisticated use of their legal identities. Particularly popular as smuggling partners were the *Oosterlingen*, given the many staple exemptions enjoyed by the Hanseatic League. Here too, a selective loosening of the staple restrictions reduced the need to trade informally for one group but created loopholes that encouraged others to break the rules.

One of the networks abusing the Hanseatic privileges was the one including the *Sluyzenaar* Pieter Pijk and the *Brugeois* Berthelmi Sniwel and Jehan de Cleyhem, active in the carrying trade between Flanders and Portugal.¹⁵² With the intention of avoiding the costly staple restrictions, de Cleyhem made his wife conclude a partnership with Ghiselbrecht van Inghene from Kampen, Sniwel collaborated with Wouter Johansson, another *Oosterling*, and Pijk sold his goods himself on the Sluys market. As the Hanseatic exemptions only applied to Hanseatic merchants and not to their partners, each of them was arrested between 1402 and

¹⁴⁸ 'As my said lady [...] by her letters patent issued on the 26th day of July 1404 ordered the said bailiff to consider him released from [the payment of] the said fine'. ADN, B 6098, Account Water Bailiff 1404-1404, f. 3 r.

¹⁴⁹ Stabel, *From the market to the shop*, 94-95. P. Stabel, 'Public or private, collective or individual? The spaces of late medieval trade in the Low Countries', in: *Il mercante patrizio: palazzo e botteghe nell'Europa del Rinascimento*, ed. D. Calabi (Milan, 2008), 37-54.

¹⁵⁰ A. Verhulst, 'Kort overzicht van de geschiedenis van de Zwinstreek in de Middeleeuwen', *Handelingen van het Genootschap voor Geschiedenis*, 137 (2000), 191-202.

¹⁵¹ For the geography of illegitimate commercial activities, see Jones, *Inside the Illicit Economy*, 63-85.

¹⁵² Paviot, *Portugal et Bourgogne*, 158-161.

1405.¹⁵³ This did not prevent many others from trying to work ‘under the Hanseatic franchise’ during the first decades of the fifteenth century.¹⁵⁴

A strategy which, for obvious reasons, never made it into the bailiff accounts, was that involving the ducal officers. Looking at the number of complaints made by the *Brugeois* in the course of the fourteenth and fifteenth centuries, fraudulent bailiffs were not uncommon in Sluys.¹⁵⁵ Already in 1358, the Flemish count threatened to suspend the water bailiff and his sergeants for a year if they did not respect the staple privileges.¹⁵⁶ In 1384, Burgundian duke Philip the Bold had to instruct his officers again to take their commitment to the staple more seriously.¹⁵⁷ Throughout the fifteenth century, the Members of Flanders repeatedly addressed the problem of water bailiffs who did not take action against illicit traders.¹⁵⁸ The Borromei ledgers disclose that tips could go a long way toward having the water bailiff of Arnemuiden turn a blind eye at the tollbooth.¹⁵⁹ Was his colleague in Sluys equally inclined to venality? He was certainly singled out in the articles that addressed extortion by ducal officers in the Flemish Privileges of 1477.¹⁶⁰ To prevent abuses, the central authorities forbade *Sluyzenaars* to become water bailiffs in 1441.¹⁶¹ Similar evidence accusing the Bruges aldermen of corruption or favouritism is not available, on the contrary. In several cases the urban part of the fines imposed on foreign offenders was remitted because they pretended ignorance, while Bruges citizens who had committed similar offences were always obliged to pay the full

¹⁵³ For Sniwel, who worked ‘under the cover of being a German’, and Johansson, see ADN, B 6091, Account Water Bailiff 1402-1402, f. 2 r. For Pijk, see ADN, B 6094, Account Water Bailiff 1403-1403, f. 1 v. For de Cleyhem and van Inghene, see ADN, B 6099, Account Water Bailiff 1405-1405, f. 1 r.

¹⁵⁴ See ADN, B 6091, Account Water Bailiff 1402-1402, f. 1 r. ADN, B 6107, Account Water Bailiff 1407-1407, f. 1 r. ADN, B 6108, Account Water Bailiff 1407-1408, f. 1 r. ADN, B 6115, Account Water Bailiff 1410-1410, f. 3 r. Similar tactics were applied at the Dordrecht staple, where cargoes were transferred to Holland merchants, who enjoyed toll exemptions, and at the English ports, where goods were registered as those of denizens or naturalized aliens, who enjoyed lower rates. Dijkman, *Shaping Medieval Markets*, 133. Carus-Wilson and Coleman, *England's Export Trade*, 28.

¹⁵⁵ The widespread use of informal systems of governance, involving corruption and favouritism by government officials, is considered as a symptom of the stages of state formation in which the state was still too weak to implement its self-determined goals, as was the case in the fifteenth-century Burgundian Low Countries. W. Blockmans, ‘Patronage, brokerage and corruption as symptoms of incipient state formation in the Burgundian-Habsburg Netherlands’, in: *Klientelsysteme im Europa der Frühen Neuzeit*, ed. A. Maczak (München, 1988), 117-126.

¹⁵⁶ *Cartulaire de l'ancien estaple*, ed. Gilliodts-Van Severen, I, 222.

¹⁵⁷ *Cartulaire de l'ancien estaple*, ed. Gilliodts-Van Severen, I, 340.

¹⁵⁸ *Handelingen van de leden en van de staten van Vlaanderen (1384-1405)*, ed. W. Prevenier (Brussels, 1959), 360-2. *Handelingen van de leden (1405-1419). II*, ed. Zoete, 1221-2.

¹⁵⁹ Borromei Bank Research Project: <http://www.queenmaryhistoricalresearch.org/roundhouse/default.aspx>. Search string ‘bailiff’. In May 1438, for example, the account of Pieter Colombotto of Middelburg was debited 4d. Flemish for drinks given to the clerk of the bailiff.

¹⁶⁰ Blockmans, *Breuk of continuïteit?*, 106, 140.

¹⁶¹ *Inventaire*, ed. Gilliodts-Van Severen, V, 250.

sum.¹⁶² This treatment fits in with the city's compliant policy towards the foreign merchant communities, preferring cooperation and compromise over commercial conflicts.¹⁶³

The last resort for avoiding the bailiff's punishment when all other possibilities had been exhausted was demonstrated by a nameless Gascon in 1451. Having brought goods from England to Sluys without going to the staple in Bruges, the fear of sanctions made him leave his ship in the Zwin harbour and flee.¹⁶⁴

Conclusions: Falling out of the Cradle of Capitalism

Over the past hundred years, historians have christened late medieval Bruges a Medieval World Market,¹⁶⁵ a gateway to international trade¹⁶⁶ and the Cradle of Capitalism.¹⁶⁷ Their epithets eloquently evoke the status of a place whose business opportunities and turnover of trade went unrivalled in Western Europe north of the Alps, but fail to do justice to the whole story of commercial hustle and bustle in and around the city. Bruges' role as a depot for goods from all across Europe, securely buttressed by the staple system, has acted as a gateway to lucrative trading possibilities for thousands of merchants, but at the same time locked the door to many others interested. The water bailiff accounts, the *Civiele Sententiën* and the Bruges cartularies reveal that a considerable amount of those lacking the necessary capital and others who fell out of the Cradle of Capitalism resorted to illicit methods to benefit from the city's economic position. Together with a minority of professional smugglers, Flemish fishermen, Breton carrying-traders or Venetian seamen developed a range of strategies to avoid the costly staple mechanisms that dominated Bruges' international trade. Confirming, but also complementing and challenging the trends occurring in the centre of business frenzy, their desire to have their share in the city's economic success led to the creation of an alternative commercial circuit on the margins of Bruges' world market, which continued to entice traders throughout the fifteenth century.

¹⁶² See the case involving the Englishman Thomas Janszuene and the *Brugeois* Lievin Taerwin in 1447. SAB, *Civiele Sententiën*, Register 1447-1453, f. 14 v.

¹⁶³ P. Stabel, 'De gewenste vreemdeling. Italiaanse kooplieden en stedelijke maatschappij in het laat-middeleeuwse Brugge', *Jaarboek voor Middeleeuwse Geschiedenis*, 4 (2001), 214.

¹⁶⁴ 'The said Gascon fled and abandoned his barrel'. ADN, B 6119, Account Water Bailiff 1451-1451, f. 1 v.

¹⁶⁵ R. Häpke, *Brügges Entwicklung zum mittelalterlichen Weltmarkt* (Berlin, 1908).

¹⁶⁶ Stabel, *Dwarfs among Giants*, 71-72.

¹⁶⁷ Murray, *Bruges, Cradle of Capitalism*.